

SENATE BILL 1005

E4, E1

6lr2751
CF HB 1312

By: **The President (By Request – Justice Reinvestment Coordinating Council)**

Introduced and read first time: February 15, 2016

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Justice Reinvestment Act**

3 FOR the purpose of requiring the Division of Parole and Probation to conduct a certain risk
4 and needs assessment on certain inmates and include the results in certain case
5 records; establishing requirements for a certain case plan; requiring the Division of
6 Correction to have a certain study conducted at certain intervals on a certain
7 assessment tool for a certain purpose; increasing a certain monthly deduction
8 allowed to an inmate of a State correctional facility whose term of confinement
9 includes a certain sentence for a certain crime of manufacturing, distributing,
10 dispensing, or possessing a controlled dangerous substance; increasing the
11 maximum monthly deductions allowed to an inmate of a State correctional facility
12 for manifesting satisfactory progress in certain work projects or programs;
13 increasing the maximum number of diminution credits that an inmate of a State
14 correctional facility may earn in a month; requiring the Division of Parole and
15 Probation to administer a certain risk and needs assessment on a certain supervised
16 individual; requiring the Division of Parole and Probation to supervise a certain
17 individual based on the results of a certain risk and needs assessment; requiring the
18 Division of Parole and Probation to develop an individualized case plan for each
19 individual with a certain assessment; requiring the Division of Parole and Probation
20 to modify the conditions of probation or suspension of sentence for the purpose of
21 imposing certain graduated sanctions; requiring the Division of Parole and Probation
22 to report to the court on certain graduated sanctions imposed under certain
23 circumstances; expanding eligibility for certain earned compliance credits to a person
24 incarcerated, on probation, or convicted in this State for violation of certain
25 prohibitions relating to manufacturing, distributing, dispensing, or possessing a
26 controlled dangerous substance; requiring the Maryland Parole Commission or the
27 court to adjust the period of a certain supervised individual's supervision on a certain
28 recommendation for earned compliance credits accrued under a certain program;
29 requiring the Division of Parole and Probation to transfer a certain individual to a
30 certain abatement status under certain circumstances; requiring the Division of
31 Parole and Probation to inform a certain supervised individual of a certain transfer

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 date at certain intervals; requiring the Division of Parole and Probation to notify the
2 Maryland Parole Commission or the court of a certain impending transfer at a
3 certain time; providing that a supervised individual who is on abatement may not be
4 required to regularly report to a certain agent or pay a supervision fee; requiring the
5 Department of Public Safety and Correctional Services to develop an automated
6 application for the tracking and awarding of earned compliance credits by the
7 Division of Parole and Probation; requiring the Division of Parole and Probation to
8 use certain methods to aid and encourage a certain person to improve conduct and
9 to reduce the risk of recidivism; requiring the Division of Parole and Probation to
10 have an independent validation study conducted at certain intervals on its risk and
11 needs assessment tool for a certain purpose; requiring the Division of Parole and
12 Probation to require all parole and probation agents, Maryland Parole Commission
13 members, and hearing officers to undergo certain annual training; requiring the
14 Department of Public Safety and Correctional Services, by a certain date, to establish
15 a program to implement certain sanctions for certain violations of conditions of
16 community supervision by a certain individual; requiring the Department of Public
17 Safety and Correctional Services to adopt certain policies and procedures to
18 implement certain programs; requiring the Department to develop a certain matrix
19 for a certain purpose; authorizing the Division of Parole and Probation to modify
20 conditions of community supervision for a certain individual for the limited purpose
21 of imposing certain sanctions; authorizing the Division of Parole and Probation to
22 refer a certain individual to the court or the Maryland Parole Commission for
23 additional sanctions; requiring the Division of Parole and Probation to issue a
24 certificate of rehabilitation to a certain individual; providing that a certificate of
25 rehabilitation precludes a licensing board from disqualifying an applicant from
26 professional or occupational licensure or certification because of a certain criminal
27 conviction; providing that an individual may receive only one certificate of
28 rehabilitation under certain circumstances; requiring the Division of Parole and
29 Probation to adopt regulations establishing an application and review process for a
30 certificate of rehabilitation that allows certain parties to object to the issuance of the
31 certificate of rehabilitation; altering the exclusive powers of the Maryland Parole
32 Commission; requiring the Maryland Parole Commission to request that the Division
33 of Parole and Probation conduct a certain investigation for an inmate in a local
34 correctional facility; requiring the Maryland Parole Commission to request that the
35 Division of Correction conduct a certain investigation for an inmate in a State
36 correctional facility; requiring certain investigations to be submitted at certain
37 times; requiring the Maryland Parole Commission to consider the results of a certain
38 investigation, develop a certain case plan, and provide certain notifications to certain
39 victims; providing that a certain inmate be released on administrative parole under
40 certain circumstances; requiring that an inmate's debilitation or incapacitation be
41 permanent to qualify for medical parole; requiring the Maryland Parole Commission
42 to consider certain medical evaluations before granting medical parole; authorizing
43 a parole commissioner to impose a certain period of imprisonment under certain
44 circumstances; authorizing a commissioner to revoke certain diminution credits
45 previously earned by a certain individual under certain circumstances; altering
46 certain deductions from an certain inmate's earnings to be used for certain purposes;
47 altering a certain monthly deduction from postsentence confinement allowed to a

1 certain inmate of a local correctional facility; altering certain penalties for possession
2 of a controlled dangerous substance; altering certain penalties for possession of
3 marijuana; requiring the court to order the Department of Public Safety and
4 Correctional Services to evaluate a defendant for drug dependence and provide a
5 certain assessment before imposing a sentence for possession of a controlled
6 dangerous substance; requiring the Department of Public Safety and Correctional
7 Services to evaluate a defendant and provide an assessment regarding drug
8 treatment to certain parties; requiring the court to incorporate a certain assessment
9 into a sentence for possession of a controlled dangerous substance in a certain
10 manner; establishing that a court may impose certain mandatory minimum
11 sentences only for certain drug offenses under certain circumstances; requiring the
12 court to state on the record the reason for departing from certain mandatory
13 minimum sentences; authorizing a certain person to apply to the court to modify or
14 reduce a certain sentence under certain circumstances in a certain manner;
15 increasing the amount of crack cocaine to be the same as the amount of powder
16 cocaine that is required to trigger enhanced penalties for certain drug offenders;
17 altering the penalties for theft, issuing or passing a bad check, credit card fraud,
18 identity fraud, counterfeiting, and exploitation of a vulnerable adult; providing that
19 a certain geriatric parole procedure does not apply to a certain sexual offender;
20 altering the age and incarceration time served thresholds for eligibility for geriatric
21 parole; requiring the State Commission on Criminal Sentencing Policy to review
22 judicial compliance with certain guidelines for suspended sentences and include a
23 suspended portion of a sentence in the determination of whether a sentence is
24 compliant with certain sentencing guidelines; authorizing a court to impose a certain
25 period of incarceration for a certain person who has violated a condition of probation
26 under certain circumstances; requiring the Department of Health and Mental
27 Hygiene to facilitate certain treatment without unnecessary delay and in no event
28 later than a certain time period after a certain order; authorizing the court to require
29 the Department of Health and Mental Hygiene to appear in court to explain a certain
30 lack of placement under certain circumstances; establishing the Justice
31 Reinvestment Oversight Board; providing for the membership, duties, staffing,
32 procedures, and reporting of the Board; establishing the Performance Incentive
33 County Grant Fund as a special, nonlapsing fund; specifying the purpose of the
34 Fund; requiring the Executive Director of the Governor's Office of Crime Control and
35 Prevention to administer the Fund; requiring the State Treasurer to hold the Fund
36 and the Comptroller to account for the Fund; specifying the contents of the Fund;
37 specifying the purpose for which the Fund may be used; providing for the investment
38 of money in and expenditures from the Fund; establishing the Local Government
39 Justice Reinvestment Commission; providing for the membership, duties, staffing,
40 procedures, and reporting of the Local Government Justice Reinvestment
41 Commission; altering the penalties for certain traffic violations related to a driver's
42 license; requiring the Governor's Office of Crime Control and Prevention, in
43 consultation with certain departments, agencies, and persons, to conduct a certain
44 analysis relating to offender treatment and to submit a certain report; stating the
45 intent of the General Assembly that the Governor provide certain funding in the
46 annual budget; requiring the Maryland Mediation and Conflict Resolution Office to
47 conduct a certain study and submit a certain report with recommendations on or

1 before a certain date; requiring the State Commission on Criminal Sentencing Policy
2 to study how more alternatives to incarceration may be included in the sentencing
3 guidelines and submit a report with recommendations on or before a certain date;
4 requiring the Governor's Office of Crime Control and Prevention to conduct a certain
5 study relating to restitution and victim services and submit a certain report;
6 requiring the Governor to issue a certain order under certain circumstances; making
7 conforming changes; altering certain definitions; defining certain terms; and
8 generally relating to justice reinvestment.

9 BY repealing and reenacting, with amendments,
10 Article – Correctional Services
11 Section 3–601, 3–704, 3–707, 3–708, 6–101, 6–104, 6–111, 6–117, 7–205, 7–305,
12 7–309, 7–401, 7–504, and 11–504
13 Annotated Code of Maryland
14 (2008 Replacement Volume and 2015 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article – Correctional Services
17 Section 3–705, 3–706, 7–101(a) and (m), 7–103, and 7–301(a)
18 Annotated Code of Maryland
19 (2008 Replacement Volume and 2015 Supplement)

20 BY adding to
21 Article – Correctional Services
22 Section 6–119, 6–120, 6–121, 7–104, 7–301.1, and 9–614
23 Annotated Code of Maryland
24 (2008 Replacement Volume and 2015 Supplement)

25 BY repealing
26 Article – Correctional Services
27 Section 11–604
28 Annotated Code of Maryland
29 (2008 Replacement Volume and 2015 Supplement)

30 BY repealing and reenacting, with amendments,
31 Article – Criminal Law
32 Section 5–601
33 Annotated Code of Maryland
34 (2012 Replacement Volume and 2015 Supplement)
35 (As enacted by Chapter 4 of the Acts of the General Assembly of 2016)

36 BY repealing and reenacting, with amendments,
37 Article – Criminal Law
38 Section 5–601.1, 5–607, 5–608, 5–609, 5–609.1, 5–612, 7–104(g), 7–108, 8–106,
39 8–206, 8–207, 8–209, 8–301(g), 8–516, 8–611, 8–801(c), and 14–101
40 Annotated Code of Maryland
41 (2012 Replacement Volume and 2015 Supplement)

1 BY repealing and reenacting, without amendments,
2 Article – Criminal Law
3 Section 7–104(a) through (f), 8–301(a), (b), (b–1), and (c) through (f), and 8–801(a)
4 and (b)
5 Annotated Code of Maryland
6 (2012 Replacement Volume and 2015 Supplement)

7 BY repealing and reenacting, without amendments,
8 Article – Criminal Procedure
9 Section 1–101(a)
10 Annotated Code of Maryland
11 (2008 Replacement Volume and 2015 Supplement)

12 BY adding to
13 Article – Criminal Procedure
14 Section 1–101(p)
15 Annotated Code of Maryland
16 (2008 Replacement Volume and 2015 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Criminal Procedure
19 Section 6–209, 6–223, 6–224, and 11–819(b)
20 Annotated Code of Maryland
21 (2008 Replacement Volume and 2015 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – Health – General
24 Section 8–507
25 Annotated Code of Maryland
26 (2015 Replacement Volume)

27 BY repealing and reenacting, without amendments,
28 Article – State Finance and Procurement
29 Section 6–226(a)(2)(i)
30 Annotated Code of Maryland
31 (2015 Replacement Volume)

32 BY repealing and reenacting, with amendments,
33 Article – State Finance and Procurement
34 Section 6–226(a)(2)(ii)84. and 85.
35 Annotated Code of Maryland
36 (2015 Replacement Volume)

37 BY adding to
38 Article – State Finance and Procurement
39 Section 6–226(a)(2)(ii)86.

1 Annotated Code of Maryland
2 (2015 Replacement Volume)

3 BY adding to
4 Article – State Government
5 Section 9–3201 through 9–3212 to be under the new subtitle “Subtitle 32. Justice
6 Reinvestment Oversight Board”
7 Annotated Code of Maryland
8 (2014 Replacement Volume and 2015 Supplement)

9 BY repealing and reenacting, without amendments,
10 Article – Transportation
11 Section 27–101(b)
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2015 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Transportation
16 Section 27–101(c) and (y)
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2015 Supplement)

19 BY adding to
20 Article – Transportation
21 Section 27–101(gg)
22 Annotated Code of Maryland
23 (2012 Replacement Volume and 2015 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
25 That the Laws of Maryland read as follows:

26 **Article – Correctional Services**

27 3–601.

28 (a) **IN THIS SECTION, “RISK AND NEEDS ASSESSMENT” HAS THE MEANING**
29 **STATED IN § 6–101 OF THIS ARTICLE.**

30 (B) Promptly after an inmate is sentenced to the jurisdiction of the Division, the
31 Division shall assemble an adequate case record for the inmate that includes:

32 (1) a description of the inmate;

33 (2) a photograph of the inmate;

34 (3) the family history of the inmate;

1 (4) any previous record of the inmate;

2 (5) a summary of the facts of each case for which the inmate is serving a
3 sentence; [and]

4 **(6) THE RESULTS OF A RISK AND NEEDS ASSESSMENT OF THE INMATE**
5 **REQUIRED UNDER SUBSECTION (C) OF THIS SECTION; AND**

6 **[(6) (7)** the results of the physical, mental, and educational examination
7 of the inmate required under subsection **[(b)] (C)** of this section.

8 **[(b)] (C)** The Division shall conduct **A RISK AND NEEDS ASSESSMENT AND** a
9 physical, mental, and educational examination of an inmate as soon as feasible after the
10 individual is sentenced to the jurisdiction of the Division.

11 **[(c)] (D) (1)** Based on the information assembled under subsection **[(a)] (B)**
12 of this section, the Division shall classify an inmate and [assign the inmate to any available
13 treatment, training, or employment that the Division considers appropriate] **DEVELOP A**
14 **CASE PLAN TO GUIDE AN INMATE'S REHABILITATION WHILE UNDER THE CUSTODY**
15 **OF THE DIVISION.**

16 **(2) THE CASE PLAN DEVELOPED UNDER THIS SUBSECTION SHALL**
17 **INCLUDE:**

18 **(I) PROGRAMMING AND TREATMENT RECOMMENDATIONS**
19 **BASED ON THE RESULTS OF THE RISK AND NEEDS ASSESSMENT CONDUCTED UNDER**
20 **SUBSECTION (C) OF THIS SECTION; AND**

21 **(II) REQUIRED CONDUCT IN ACCORDANCE WITH THE RULES**
22 **AND POLICIES OF THE DIVISION.**

23 **[(d)] (E)** In accordance with regulations adopted by the Division, the managing
24 official of each correctional facility shall maintain, as a part of an inmate's case record:

25 (1) an adequate record of the conduct, effort, and progress of the inmate
26 during confinement; and

27 (2) a record of the character of any offense committed by the inmate and
28 the nature and amount of punishment inflicted.

29 **[(e)] (F)** To identify an inmate, the Division may photograph and fingerprint the
30 inmate and record a description of the inmate's personal background data.

31 3-704.

1 (a) An inmate shall be allowed a deduction in advance from the inmate's term of
2 confinement.

3 (b) (1) The deduction allowed under subsection (a) of this section shall be
4 calculated:

5 (i) from the first day of commitment to the custody of the
6 Commissioner through the last day of the inmate's term of confinement;

7 (ii) except as provided in paragraph (2) of this subsection, at the rate
8 of 10 days for each calendar month; and

9 (iii) on a prorated basis for any portion of a calendar month.

10 (2) If an inmate's term of confinement includes a consecutive or concurrent
11 sentence for a crime of violence as defined in § 14–101 of the Criminal Law Article [or], **A**
12 **SEXUAL OFFENSE FOR WHICH REGISTRATION IS REQUIRED UNDER TITLE 11,**
13 **SUBTITLE 7 OF THE CRIMINAL LAW ARTICLE,** OR a crime of manufacturing,
14 distributing, dispensing, or possessing a controlled dangerous substance in violation of [§§
15 5–602 through 5–609,] § 5–612[,] or § 5–613 of the Criminal Law Article, the deduction
16 described in subsection (a) of this section shall be calculated at the rate of 5 days for each
17 calendar month.

18 (c) A deduction under this section may not be allowed for a period during which
19 an inmate does not receive credit for service of the inmate's term of confinement, including
20 a period:

21 (1) during which the inmate's sentence is stayed;

22 (2) during which the inmate is not in the custody of the Commissioner
23 because of escape; or

24 (3) for which the Maryland Parole Commission has declined to grant credit
25 after revocation of parole or mandatory supervision.

26 3–705.

27 (a) (1) In addition to any other deductions allowed under this subtitle, an
28 inmate may be allowed a deduction of 5 days from the inmate's term of confinement for
29 each calendar month during which the inmate manifests satisfactory performance of
30 assigned work tasks.

31 (2) The deduction described in paragraph (1) of this subsection shall be
32 calculated:

33 (i) from the first day that the work task is performed; and

1 (ii) on a prorated basis for any portion of a calendar month during
2 which the inmate performed the work task.

3 (b) The Commissioner shall adopt regulations governing the determination of
4 deductions authorized under this section.

5 3-706.

6 (a) In addition to any other deductions allowed under this subtitle, an inmate may
7 be allowed a deduction of 5 days from the inmate's term of confinement for each calendar
8 month during which the inmate manifests satisfactory progress in:

9 (1) vocational courses; or

10 (2) other educational and training courses.

11 (b) The deduction described in subsection (a) of this section shall be calculated:

12 (1) from the first day that the inmate participates in the course; and

13 (2) on a prorated basis for any portion of the calendar month during which
14 the inmate participates in the course.

15 3-707.

16 (a) **(1) [In] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
17 **SUBSECTION, IN** addition to any other deductions allowed under this subtitle, an inmate
18 may be allowed a deduction of up to **[10] 20** days from the inmate's term of confinement for
19 each calendar month during which the inmate manifests satisfactory progress in those
20 special selected work projects or other special programs, **INCLUDING RECIDIVISM**
21 **REDUCTION PROGRAMMING**, designated by the Commissioner and approved by the
22 Secretary.

23 **(2) IF AN INMATE'S TERM OF CONFINEMENT INCLUDES A**
24 **CONSECUTIVE OR CONCURRENT SENTENCE FOR A CRIME OF VIOLENCE, AS DEFINED**
25 **IN § 14-101 OF THE CRIMINAL LAW ARTICLE, OR A SEXUAL OFFENSE FOR WHICH**
26 **REGISTRATION IS REQUIRED UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL LAW**
27 **ARTICLE, THE DEDUCTION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION**
28 **SHALL BE CALCULATED AT THE RATE OF UP TO 10 DAYS FOR EACH CALENDAR**
29 **MONTH.**

30 (b) A deduction described in subsection (a) of this section shall be calculated:

31 (1) from the first day that the inmate is assigned to the work project or
32 program; and

1 (2) on a prorated basis for any portion of the calendar month during which
2 the inmate participates in the work project or program.

3 3–708.

4 Notwithstanding any other provision of this subtitle, an inmate may not be allowed
5 a deduction under this subtitle of more than [20]:

6 (1) **20 DAYS FOR A CALENDAR MONTH FOR AN INMATE DESCRIBED IN**
7 **§ 3–707(A)(2) OF THIS SUBTITLE; AND**

8 (2) **30 days for a calendar month FOR ALL OTHER INMATES.**

9 6–101.

10 (a) In this subtitle the following words have the meanings indicated.

11 (b) “Commission” means the Maryland Parole Commission.

12 (c) “Crime of violence” has the meaning stated in § 14–101 of the Criminal Law
13 Article.

14 (D) **“CRIMINAL RISK FACTORS” MEANS AN INDIVIDUAL’S CHARACTERISTICS**
15 **AND BEHAVIORS THAT:**

16 (1) **AFFECT THE INDIVIDUAL’S RISK OF ENGAGING IN CRIMINAL**
17 **BEHAVIOR; AND**

18 (2) **ARE DIMINISHED WHEN ADDRESSED BY EFFECTIVE TREATMENT,**
19 **SUPERVISION, AND OTHER SUPPORT SERVICES, RESULTING IN A REDUCED RISK OF**
20 **CRIMINAL BEHAVIOR.**

21 [(d)] (E) “Director” means the Director of the Division or the Director’s designee.

22 [(e)] (F) “Division” means the Division of Parole and Probation.

23 [(f)] (G) “Mandatory supervision” has the meaning stated in § 7–101 of this
24 article.

25 [(g)] (H) “Offender” means an individual on parole or under mandatory
26 supervision.

27 [(h)] (I) “Parolee” means an individual who has been released on parole.

1 **[(i)] (J)** “Program” means a home detention program established under § 6–108
2 of this subtitle.

3 **(K) “RISK AND NEEDS ASSESSMENT” MEANS AN ACTUARIAL TOOL**
4 **VALIDATED ON THE STATE’S CORRECTIONAL POPULATION THAT DETERMINES:**

5 **(1) AN INDIVIDUAL’S RISK OF REOFFENDING; AND**

6 **(2) THE CRIMINAL RISK FACTORS THAT, WHEN ADDRESSED, REDUCE**
7 **THE INDIVIDUAL’S RISK OF REOFFENDING.**

8 **(L) “TECHNICAL VIOLATION” MEANS A VIOLATION OF A CONDITION OF**
9 **PROBATION, PAROLE, OR MANDATORY SUPERVISION THAT DOES NOT INVOLVE:**

10 **(1) AN ARREST;**

11 **(2) A CONVICTION; OR**

12 **(3) A VIOLATION OF A NO–CONTACT ORDER.**

13 6–104.

14 (a) Subject to the authority of the Secretary and in addition to any other duties
15 established by law, the Division:

16 (1) shall:

17 **(I) ADMINISTER A RISK AND NEEDS ASSESSMENT ON EACH**
18 **INDIVIDUAL ON PAROLE OR MANDATORY SUPERVISION UNDER THE SUPERVISION**
19 **OF THE DIVISION;**

20 **(II) DEVELOP AN INDIVIDUALIZED CASE PLAN FOR EACH**
21 **INDIVIDUAL ON PAROLE OR MANDATORY SUPERVISION WHO HAS BEEN ASSESSED AS**
22 **MODERATE OR HIGH RISK TO REOFFEND;**

23 **[(i)] (III) supervise [the conduct of parolees] AN INDIVIDUAL ON**
24 **PAROLE OR MANDATORY SUPERVISION BASED ON THE RESULTS OF A RISK AND**
25 **NEEDS ASSESSMENT CONDUCTED UNDER ITEM (I) OF THIS ITEM;**

26 **[(ii)] (IV) supervise an individual under mandatory supervision**
27 **until the expiration of the individual’s maximum term or terms of confinement;**

28 **(V) NOTWITHSTANDING ANY OTHER LAW, MODIFY THE**
29 **CONDITIONS OF PAROLE AND MANDATORY SUPERVISION FOR THE PURPOSE OF**

1 **IMPOSING GRADUATED SANCTIONS UNDER § 6–121 OF THIS SUBTITLE IN RESPONSE**
2 **TO TECHNICAL VIOLATIONS AS AN ALTERNATIVE TO REVOCATION UNDER § 7–401**
3 **OR § 7–504 OF THIS ARTICLE;**

4 [(iii)] **(VI)** regularly inform the Commission of the activities of
5 offenders who are supervised by the Division, **INCLUDING, IF REQUESTED BY THE**
6 **COMMISSION, ANY GRADUATED SANCTIONS IMPOSED UNDER § 6–121 OF THIS**
7 **SUBTITLE;**

8 [(iv)] **(VII)** issue a warrant for the retaking of an offender charged
9 with a violation of a condition of parole or mandatory supervision, if this authority is
10 delegated by the Commission to the Director of the Division; and

11 [(v)] **(VIII)** administer the Drinking Driver Monitor Program, collect
12 supervision fees, and adopt guidelines for collecting the monthly program fee assessed in
13 accordance with § 6–115 of this subtitle; and

14 (2) may recommend:

15 (i) that the Commission modify any condition of parole or
16 mandatory supervision; and

17 (ii) that the Commission issue a warrant for the retaking of an
18 offender.

19 (b) Funding for the Drinking Driver Monitor Program shall be as provided in the
20 State budget.

21 6–111.

22 If a court suspends the sentence of an individual convicted of a crime and orders the
23 individual to continue under the supervision of the Division for a specified time or until
24 ordered otherwise, the Division shall:

25 (1) [supervise the conduct of] **ADMINISTER A RISK AND NEEDS**
26 **ASSESSMENT ON** the individual;

27 (2) [determine whether the individual is complying with the conditions of
28 probation or suspension of sentence] **SUPERVISE THE INDIVIDUAL BASED ON THE**
29 **RESULTS OF THE RISK AND NEEDS ASSESSMENT CONDUCTED UNDER ITEM (1) OF**
30 **THIS SECTION; [and]**

31 (3) **DEVELOP AN INDIVIDUALIZED CASE PLAN FOR EACH INDIVIDUAL**
32 **ASSESSED AS MODERATE OR HIGH RISK TO REOFFEND;**

1 **(4) NOTWITHSTANDING ANY OTHER LAW, MODIFY THE CONDITIONS**
2 **OF PROBATION OR SUSPENSION OF SENTENCE FOR THE PURPOSE OF IMPOSING**
3 **GRADUATED SANCTIONS UNDER § 6–121 OF THIS SUBTITLE IN RESPONSE TO**
4 **TECHNICAL VIOLATIONS AS AN ALTERNATIVE TO REVOCATION UNDER § 6–223 OR §**
5 **6–224 OF THE CRIMINAL PROCEDURE ARTICLE; AND**

6 **[(3)] (5) report to the court on the individual’s compliance AND, IF**
7 **REQUESTED BY THE COURT, ANY GRADUATED SANCTIONS IMPOSED UNDER § 6–121**
8 **OF THIS SUBTITLE.**

9 6–117.

10 (a) (1) In this section the following words have the meanings indicated.

11 (2) “Abatement” means an end to active supervision of a supervised
12 individual, without effect on the legal expiration date of the case or the supervised
13 individual’s obligation to:

14 (i) obey all laws; **AND**

15 (ii) [report as instructed; and

16 (iii)] obtain written permission from the Division of Parole and
17 Probation before relocating the supervised individual’s residence outside the State.

18 (3) “Earned compliance credit” means a 20–day reduction from the period
19 of active supervision of the supervised individual for every month that a supervised
20 individual:

21 (i) exhibits [full compliance] **PROGRESS** with the conditions[,] **AND**
22 goals[, and treatment as part] of the supervised individual’s probation, parole, or
23 mandatory release supervision, as determined by the Department;

24 (ii) has no new arrests;

25 (iii) has not violated any conditions of no contact imposed on the
26 supervised individual;

27 (iv) is current on court ordered payments for restitution, fines, and
28 fees relating to the offense for which earned compliance credits are being accrued; and

29 (v) is current in completing any community supervision
30 requirements included in the conditions of the supervised individual’s probation, parole, or
31 mandatory release supervision.

1 (4) (i) “Supervised individual” means an individual placed on probation
2 by a court or serving a period of parole or mandatory release supervision after release from
3 a correctional facility.

4 (ii) “Supervised individual” does not include:

5 1. a person incarcerated, on probation, or convicted in this
6 State for a crime of violence;

7 2. a person incarcerated, on probation, or convicted in this
8 State for a crime under Title 3, Subtitle 3 of the Criminal Law Article;

9 3. a person incarcerated, on probation, or convicted in this
10 State for a violation of § 2–503, [§] §§ 5–602 through **5–606, OR** § 5–617[, § 5–627, or §
11 5–628] of the Criminal Law Article;

12 4. a person registered or eligible for registration under Title
13 11, Subtitle 7 of the Criminal Procedure Article;

14 5. a person who was convicted in any other jurisdiction of a
15 crime and the person’s supervision was transferred to this State; or

16 6. a person who was convicted in this State of a crime and
17 the person’s supervision was transferred to another state.

18 (b) The Department shall:

19 (1) establish a program to implement earned compliance credits; and

20 (2) adopt policies and procedures to implement the program.

21 (c) **(1)** Notwithstanding any other law, the Maryland Parole Commission or
22 the court [may] **SHALL** adjust the period of a supervised individual’s supervision on the
23 recommendation of the Division of Parole and Probation for earned compliance credits
24 accrued under a program created under this section.

25 **(2)** **ONCE A COMBINATION OF TIME SERVED IN CUSTODY, IF**
26 **APPLICABLE, TIME SERVED ON PROBATION, PAROLE, OR MANDATORY SUPERVISION,**
27 **AND EARNED COMPLIANCE CREDITS SATISFY THE SUPERVISED INDIVIDUAL’S**
28 **ACTIVE TERM OF SUPERVISION, THE DIVISION SHALL TRANSFER THE INDIVIDUAL**
29 **TO ABATEMENT.**

30 **(D) THE DIVISION SHALL:**

31 **(1)** **PROVIDE REGULAR NOTIFICATION TO A SUPERVISED INDIVIDUAL**
32 **OF THE TENTATIVE ABATEMENT TRANSFER DATE; AND**

1 **(2) DEVELOP POLICIES FOR NOTIFYING A SUPERVISED INDIVIDUAL**
2 **OF CHANGE TO THE ABATEMENT TRANSFER DATE.**

3 **(E) AT LEAST 90 DAYS BEFORE THE DATE OF TRANSFER TO ABATEMENT,**
4 **THE DIVISION SHALL NOTIFY THE COMMISSION OR THE COURT OF THE IMPENDING**
5 **TRANSFER.**

6 **[(d)] (F)** A supervised individual whose period of active supervision has been
7 completely reduced as a result of earned compliance credits shall remain on abatement
8 until the expiration of the supervised individual's sentence, unless:

9 (1) the supervised individual consents to continued active supervision; or

10 (2) the supervised individual violates a condition of probation, parole, or
11 mandatory release supervision including failure to pay a required payment of restitution.

12 **(G) A SUPERVISED INDIVIDUAL WHO IS PLACED ON ABATEMENT UNDER**
13 **THIS SECTION MAY NOT BE REQUIRED TO:**

14 **(1) REGULARLY REPORT TO A PAROLE OR PROBATION AGENT; OR**

15 **(2) PAY A SUPERVISION FEE.**

16 **[(e)] (H)** If a supervised individual violates a condition of probation while on
17 abatement, a court may order the supervised individual to be returned to active
18 supervision.

19 **[(f)] (I)** (1) Twenty-five percent of the savings realized by the Department
20 as a result of the application of earned compliance credits shall revert to the Department.

21 (2) After the savings revert to the Department in accordance with
22 paragraph (1) of this subsection, any remaining savings shall revert to the General Fund.

23 **[(g)] (J)** This section may not be construed to limit the authority of a court or
24 the Parole Commission to extend probation, parole, or mandatory release supervision under
25 § 6-222 of the Criminal Procedure Article.

26 **(K) THE DEPARTMENT SHALL DEVELOP AN AUTOMATED APPLICATION FOR**
27 **THE TRACKING AND AWARDED OF EARNED COMPLIANCE CREDITS BY THE**
28 **DIVISION.**

29 **6-119.**

1 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
2 **INDICATED.**

3 **(2) “EVIDENCE–BASED PROGRAMS AND PRACTICES” MEANS**
4 **PROGRAMS PROVEN BY SCIENTIFIC RESEARCH TO RELIABLY PRODUCE REDUCTIONS**
5 **IN RECIDIVISM.**

6 **(3) “INNOVATIVE PROGRAMS AND PRACTICES” MEANS PROGRAMS**
7 **THAT DO NOT MEET THE STANDARD OF EVIDENCE–BASED PRACTICES BUT WHICH**
8 **PRELIMINARY RESEARCH OR DATA INDICATES WILL REDUCE THE LIKELIHOOD OF**
9 **OFFENDER RECIDIVISM.**

10 **(B) THE DIVISION SHALL USE PRACTICABLE AND SUITABLE METHODS THAT**
11 **ARE CONSISTENT WITH EVIDENCE–BASED PROGRAMS AND PRACTICES AND**
12 **INNOVATIVE PROGRAMS AND PRACTICES TO AID AND ENCOURAGE A PROBATIONER**
13 **OR PAROLEE TO IMPROVE CONDUCT AND TO REDUCE THE RISK OF RECIDIVISM.**

14 **(C) THE DIVISION SHALL HAVE AN INDEPENDENT VALIDATION STUDY**
15 **CONDUCTED EVERY 3 YEARS ON THE RISK AND NEEDS ASSESSMENT TOOL.**

16 **6–120.**

17 **THE DIVISION SHALL REQUIRE ALL PAROLE AND PROBATION AGENTS AND**
18 **SUPERVISORS, COMMISSION MEMBERS, AND HEARING OFFICERS TO UNDERGO**
19 **ANNUAL TRAINING BASED ON THE MOST CURRENT RESEARCH, REGARDING:**

20 **(1) IDENTIFYING, UNDERSTANDING, AND TARGETING AN**
21 **INDIVIDUAL’S CRIMINAL RISK FACTORS;**

22 **(2) PRINCIPLES OF EFFECTIVE RISK INTERVENTIONS; AND**

23 **(3) SUPPORTING AND ENCOURAGING COMPLIANCE AND BEHAVIOR**
24 **CHANGE.**

25 **6–121.**

26 **(A) THIS SECTION SHALL APPLY TO ALL INDIVIDUALS UNDER THE**
27 **SUPERVISION OF THE DIVISION.**

28 **(B) THE DIVISION SHALL IMPOSE GRADUATED SANCTIONS IN RESPONSE TO**
29 **TECHNICAL VIOLATIONS OF CONDITIONS OF SUPERVISION.**

30 **(C) ON OR BEFORE JULY 1, 2017, THE DEPARTMENT SHALL:**

1 **(1) ESTABLISH A PROGRAM TO IMPLEMENT THE USE OF GRADUATED**
2 **SANCTIONS IN RESPONSE TO TECHNICAL VIOLATIONS OF THE CONDITIONS OF**
3 **COMMUNITY SUPERVISION;**

4 **(2) ADOPT POLICIES AND PROCEDURES TO IMPLEMENT THE**
5 **PROGRAM; AND**

6 **(3) DEVELOP A MATRIX TO GUIDE A PAROLE AND PROBATION AGENT**
7 **IN DETERMINING THE SUITABLE RESPONSE TO A TECHNICAL VIOLATION THAT**
8 **INCLUDES A RANGE OF THE MOST COMMON VIOLATIONS AND A RANGE OF POSSIBLE**
9 **SANCTIONS TO BE IMPOSED.**

10 **(D) NOTWITHSTANDING ANY OTHER LAW, THE DIVISION MAY MODIFY THE**
11 **CONDITIONS OF COMMUNITY SUPERVISION FOR AN INDIVIDUAL FOR THE LIMITED**
12 **PURPOSE OF IMPOSING GRADUATED SANCTIONS.**

13 **(E) IF THE AVAILABLE GRADUATED SANCTIONS HAVE BEEN EXHAUSTED,**
14 **THE DIVISION MAY REFER THE INDIVIDUAL TO THE COURT OR THE COMMISSION**
15 **FOR ADDITIONAL SANCTIONS, INCLUDING FORMAL REVOCATION OF PROBATION,**
16 **PAROLE, OR MANDATORY SUPERVISION UNDER § 7-401 OR § 7-504 OF THIS ARTICLE**
17 **OR § 6-223 OR § 6-224 OF THE CRIMINAL PROCEDURE ARTICLE.**

18 7-101.

19 (a) In this title the following words have the meanings indicated.

20 (m) “Violent crime” means:

21 (1) a crime of violence as defined in § 14-101 of the Criminal Law Article;

22 or

23 (2) burglary in the first, second, or third degree.

24 7-103.

25 (a) In this section, “offender” has the meaning stated in § 6-101 of this article.

26 (b) The Department may issue a certificate of completion to an offender who:

27 (1) was supervised by the Department under conditions of:

28 (i) parole;

29 (ii) probation; or

1 (iii) mandatory release supervision;

2 (2) has completed all special and general conditions of supervision,
3 including paying all required restitution, fines, fees, and other payment obligations; and

4 (3) is no longer under the jurisdiction of the Department.

5 **7-104.**

6 **(A) THE DEPARTMENT SHALL ISSUE A CERTIFICATE OF REHABILITATION**
7 **TO AN INDIVIDUAL WHO:**

8 **(1) WAS CONVICTED OF A MISDEMEANOR OR FELONY THAT IS NOT:**

9 **(I) A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE**
10 **CRIMINAL LAW ARTICLE; OR**

11 **(II) A SEXUAL OFFENSE FOR WHICH REGISTRATION IS**
12 **REQUIRED UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE;**

13 **(2) WAS SUPERVISED BY THE DIVISION OF PAROLE AND PROBATION**
14 **UNDER CONDITIONS OF:**

15 **(I) PAROLE;**

16 **(II) PROBATION; OR**

17 **(III) MANDATORY RELEASE SUPERVISION;**

18 **(3) HAS COMPLETED ALL SPECIAL AND GENERAL CONDITIONS OF**
19 **SUPERVISION, INCLUDING PAYING ALL REQUIRED RESTITUTION, FINES, FEES, AND**
20 **OTHER PAYMENT OBLIGATIONS; AND**

21 **(4) IS NO LONGER UNDER THE JURISDICTION OF THE DIVISION OF**
22 **PAROLE AND PROBATION.**

23 **(B) A CERTIFICATE OF REHABILITATION PRECLUDES A LICENSING BOARD**
24 **FROM DISQUALIFYING AN APPLICANT FROM PROFESSIONAL OR OCCUPATIONAL**
25 **LICENSURE OR CERTIFICATION BECAUSE OF THE UNDERLYING CRIMINAL**
26 **CONVICTION.**

27 **(C) AN INDIVIDUAL MAY RECEIVE ONLY ONE CERTIFICATE OF**
28 **REHABILITATION PER LIFETIME.**

1 **(D) THE DEPARTMENT SHALL ADOPT REGULATIONS ESTABLISHING AN**
2 **APPLICATION AND REVIEW PROCESS FOR A CERTIFICATE OF REHABILITATION THAT**
3 **ALLOWS THE SENTENCING JUDGE, THE STATE’S ATTORNEY, AND THE VICTIM TO**
4 **OBJECT TO THE ISSUANCE OF THE CERTIFICATE OF REHABILITATION.**

5 7–205.

6 (a) The Commission has the exclusive power to:

7 (1) authorize the parole of an individual sentenced under the laws of the
8 State to any correctional facility in the State;

9 (2) negotiate, enter into, and sign predetermined parole release
10 agreements as provided under subsection (b) of this section;

11 (3) hear cases for parole in which:

12 (i) the Commissioner of Correction, after reviewing the
13 recommendation of the appropriate managing official, objects to a parole;

14 (ii) the inmate was convicted of a homicide;

15 (iii) the inmate is serving a sentence of life imprisonment; [or]

16 (iv) the parole hearing is open to the public under § 7–304 of this title;

17 **(V) THE INMATE FAILS TO MEET THE REQUIREMENTS OF THE**
18 **ADMINISTRATIVE PAROLE PROCESS ESTABLISHED UNDER § 7–301.1 OF THIS TITLE;**
19 **OR**

20 **(VI) A VICTIM REQUESTS A HEARING AS PROVIDED UNDER §**
21 **7–301.1 OF THIS TITLE;**

22 (4) hear exceptions to recommendations of a hearing examiner or a
23 commissioner acting as a hearing examiner;

24 (5) review summarily all recommendations of a hearing examiner or a
25 commissioner acting as a hearing examiner to which an exception has not been filed;

26 (6) hear a case for parole in absentia when an individual who was
27 sentenced in this State to serve a term of imprisonment is in a correctional facility of a
28 jurisdiction other than this State;

29 (7) hear cases of parole revocation; [and]

1 (8) if delegated by the Governor, hear cases involving an alleged violation
2 of a conditional pardon; AND

3 (9) DETERMINE CONDITIONS FOR ADMINISTRATIVE PAROLE UNDER §
4 7-301.1 OF THIS TITLE.

5 (b) (1) (i) The Commission may negotiate, enter into, and sign a
6 predetermined parole release agreement with the Commissioner of Correction and an
7 inmate under the jurisdiction of the Commission.

8 (ii) The agreement may provide for the release of the inmate on
9 parole at a predetermined time if, during the inmate's term of confinement, the inmate
10 participates in the programs designated by the Commission and fulfills any other
11 conditions specified in the agreement.

12 (2) This subsection does not affect any diminution of an inmate's term of
13 confinement awarded under Title 3, Subtitle 7 and §§ 9-506 and 9-513 of this article OR
14 AN INMATE'S ELIGIBILITY FOR ADMINISTRATIVE PAROLE UNDER § 7-301.1 OF THIS
15 TITLE.

16 7-301.

17 (a) (1) Except as otherwise provided in this section, the Commission shall
18 request that the Division of Parole and Probation make an investigation for inmates in a
19 local correctional facility and the Division of Correction make an investigation for inmates
20 in a State correctional facility that will enable the Commission to determine the
21 advisability of granting parole to an inmate who:

22 (i) has been sentenced under the laws of the State to serve a term
23 of 6 months or more in a correctional facility; and

24 (ii) has served in confinement one-fourth of the inmate's aggregate
25 sentence.

26 (2) Except as provided in paragraph (3) of this subsection, or as otherwise
27 provided by law or in a predetermined parole release agreement, an inmate is not eligible
28 for parole until the inmate has served in confinement one-fourth of the inmate's aggregate
29 sentence.

30 (3) An inmate may be released on parole at any time in order to undergo
31 drug or alcohol treatment, mental health treatment, or to participate in a residential
32 program of treatment in the best interest of an inmate's expected or newborn child if the
33 inmate:

34 (i) is not serving a sentence for a crime of violence, as defined in §
35 14-101 of the Criminal Law Article;

1 (ii) is not serving a sentence for a violation of Title 3, Subtitle 6, §
2 5-608(d), § 5-609(d), § 5-612, § 5-613, § 5-614, § 5-621, § 5-622, or § 5-628 of the Criminal
3 Law Article; and

4 (iii) has been determined to be amenable to treatment.

5 (4) The Division of Parole and Probation shall complete and submit to the
6 Commission each investigation of an inmate in a local correctional facility required under
7 paragraph (1) of this subsection within 60 days of commitment.

8 **7-301.1.**

9 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
10 INDICATED.

11 (2) "ADMINISTRATIVE PAROLE" MEANS RELEASE TO PAROLE OF AN
12 ELIGIBLE INMATE WHO HAS SERVED ONE-FOURTH OF THE INMATE'S SENTENCE AND
13 MET THE REQUIREMENTS ESTABLISHED UNDER THIS SECTION.

14 (3) "ELIGIBLE INMATE" MEANS AN INMATE WHO:

15 (I) HAS BEEN SENTENCED UNDER THE LAWS OF THE STATE TO
16 SERVE A TERM OF 6 MONTHS OR MORE IN A CORRECTIONAL FACILITY;

17 (II) IS NOT SERVING A SENTENCE FOR:

18 1. A VIOLENT CRIME; OR

19 2. A SEXUAL OFFENSE FOR WHICH REGISTRATION IS
20 REQUIRED UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE;
21 AND

22 (III) IF SERVING A SENTENCE WITH A TERM OF CONFINEMENT
23 THAT INCLUDES A MANDATORY MINIMUM SENTENCE, HAS SERVED THE MANDATORY
24 PORTION OF THE SENTENCE.

25 (B) (1) FOR AN INMATE IN A LOCAL CORRECTIONAL FACILITY, THE
26 COMMISSION SHALL REQUEST THAT THE DIVISION OF PAROLE AND PROBATION
27 CONDUCT AN INVESTIGATION TO:

28 (I) DETERMINE THE INMATE'S ELIGIBILITY FOR
29 ADMINISTRATIVE PAROLE;

1 **(II) DETERMINE THE CONDITIONS UNDER WHICH AN ELIGIBLE**
2 **INMATE MAY BE RELEASED TO PAROLE AFTER HAVING SERVED ONE-FOURTH OF**
3 **THE INMATE'S TERM OF CONFINEMENT; AND**

4 **(III) CALCULATE A TENTATIVE PAROLE ELIGIBILITY DATE FOR**
5 **AN ELIGIBLE INMATE.**

6 **(2) THE COMMISSION SHALL REQUEST THAT FOR AN INMATE IN A**
7 **STATE CORRECTIONAL FACILITY, THE DIVISION OF CORRECTION CONDUCT AN**
8 **INVESTIGATION TO:**

9 **(I) DETERMINE THE INMATE'S ELIGIBILITY FOR**
10 **ADMINISTRATIVE PAROLE;**

11 **(II) DETERMINE THE CONDITIONS UNDER WHICH AN ELIGIBLE**
12 **INMATE MAY BE RELEASED TO PAROLE AFTER HAVING SERVED ONE-FOURTH OF**
13 **THE INMATE'S TERM OF CONFINEMENT; AND**

14 **(III) CALCULATE A TENTATIVE PAROLE ELIGIBILITY DATE FOR**
15 **AN ELIGIBLE INMATE.**

16 **(3) THE INVESTIGATIONS REQUIRED UNDER PARAGRAPHS (1) AND**
17 **(2) OF THIS SUBSECTION SHALL BE COMPLETED AND SUBMITTED TO THE**
18 **COMMISSION WITHIN 60 DAYS OF COMMITMENT.**

19 **(C) FOR AN INMATE IN A LOCAL CORRECTIONAL FACILITY, THE**
20 **COMMISSION, IN COLLABORATION WITH THE LOCAL CORRECTIONAL FACILITY,**
21 **SHALL CONSIDER THE RESULTS OF THE INVESTIGATION CONDUCTED UNDER**
22 **SUBSECTION (B)(1) OF THIS SECTION AND DEVELOP AN INDIVIDUAL CASE PLAN**
23 **WITH WHICH AN ELIGIBLE INMATE MUST COMPLY IN ORDER TO BE RELEASED ON**
24 **ADMINISTRATIVE PAROLE.**

25 **(D) (1) THE INDIVIDUAL CASE PLANS DEVELOPED UNDER SUBSECTION**
26 **(C) OF THIS SECTION AND § 3-601(D) OF THIS ARTICLE SHALL INCLUDE CONDITIONS**
27 **THAT AN INMATE WILL BE ABLE TO COMPLETE BEFORE THE INMATE'S**
28 **ADMINISTRATIVE PAROLE DATE.**

29 **(2) AN INDIVIDUAL CASE PLAN MAY INCLUDE CONDITIONS THAT**
30 **APPLY AFTER AN INMATE IS RELEASED ON ADMINISTRATIVE PAROLE.**

31 **(E) AS PROVIDED IN § 7-801 OF THIS TITLE, THE COMMISSION SHALL**
32 **NOTIFY A VICTIM OF:**

1 **(1) THE ELIGIBLE INMATE'S ADMINISTRATIVE PAROLE ELIGIBILITY**
2 **DATE;**

3 **(2) THE VICTIM'S RIGHT TO REQUEST AN OPEN PAROLE HEARING**
4 **UNDER § 7-304 OF THIS SUBTITLE; AND**

5 **(3) THE VICTIM'S RIGHT TO SUBMIT WRITTEN TESTIMONY**
6 **CONCERNING THE CRIME AND THE IMPACT OF THE CRIME ON THE VICTIM.**

7 **(F) AN ELIGIBLE INMATE SHALL BE RELEASED ON ADMINISTRATIVE**
8 **PAROLE, WITHOUT A HEARING BEFORE THE COMMISSION, AT THE INMATE'S PAROLE**
9 **ELIGIBILITY DATE IF:**

10 **(1) THE INMATE HAS COMPLIED WITH THE CASE PLAN DEVELOPED**
11 **UNDER SUBSECTION (C) OF THIS SECTION OR § 3-601(D) OF THIS ARTICLE;**

12 **(2) THE INMATE HAS NOT COMMITTED A SERIOUS RULE VIOLATION**
13 **WITHIN 30 DAYS OF THE INMATE'S PAROLE ELIGIBILITY DATE; AND**

14 **(3) A VICTIM HAS NOT REQUESTED A HEARING UNDER SUBSECTION**
15 **(E) OF THIS SECTION.**

16 **(G) THE DIVISION OF CORRECTION AND EACH LOCAL CORRECTIONAL**
17 **FACILITY SHALL NOTIFY THE COMMISSION OF AN ELIGIBLE INMATE'S COMPLIANCE**
18 **OR NONCOMPLIANCE WITH THE CASE PLAN AT LEAST 30 DAYS BEFORE THE**
19 **INMATE'S TENTATIVE PAROLE ELIGIBILITY DATE.**

20 **(H) AN ELIGIBLE INMATE WHO IS NOT RELEASED ON ADMINISTRATIVE**
21 **PAROLE UNDER THIS SECTION IS OTHERWISE ELIGIBLE FOR PAROLE AS PROVIDED**
22 **UNDER THIS SUBTITLE.**

23 7-305.

24 Each hearing examiner and commissioner determining whether an inmate is
25 suitable for parole, and the Commission before entering into a predetermined parole release
26 agreement, shall consider:

27 (1) the circumstances surrounding the crime;

28 (2) the physical, mental, and moral qualifications of the inmate;

29 (3) the progress of the inmate during confinement, including the academic
30 progress of the inmate in the mandatory education program required under § 22-102 of the
31 Education Article;

1 (4) a report on a drug or alcohol evaluation that has been conducted on the
2 inmate, including any recommendations concerning the inmate's amenability for treatment
3 and the availability of an appropriate treatment program;

4 (5) whether there is reasonable probability that the inmate, if released on
5 parole, will remain at liberty without violating the law;

6 (6) whether release of the inmate on parole is compatible with the welfare
7 of society;

8 (7) an updated victim impact statement or recommendation prepared
9 under § 7-801 of this title;

10 (8) any recommendation made by the sentencing judge at the time of
11 sentencing;

12 (9) any information that is presented to a commissioner at a meeting with
13 the victim; [and]

14 (10) any testimony presented to the Commission by the victim or the victim's
15 designated representative under § 7-801 of this title; AND

16 **(11) COMPLIANCE WITH THE CASE PLAN DEVELOPED UNDER § 7-301.1**
17 **OF THIS SUBTITLE OR § 3-601 OF THIS ARTICLE.**

18 7-309.

19 (a) This section applies to any inmate who is sentenced to a term of incarceration
20 for which all sentences being served, including any life sentence, are with the possibility of
21 parole.

22 (b) An inmate who is so **PERMANENTLY** debilitated or incapacitated by a medical
23 or mental health condition, disease, or syndrome as to be physically incapable of presenting
24 a danger to society may be released on medical parole at any time during the term of that
25 inmate's sentence, without regard to the eligibility standards specified in § 7-301 of this
26 subtitle.

27 (c) (1) A request for a medical parole under this section may be filed with the
28 Maryland Parole Commission by:

29 (i) the inmate seeking the medical parole;

30 (ii) an attorney;

31 (iii) a prison official or employee;

1 (iv) a medical professional;

2 (v) a family member; or

3 (vi) any other person.

4 (2) The request shall be in writing and shall articulate the grounds that
5 support the appropriateness of granting the medical parole.

6 (d) Following review of the request, the Commission may:

7 (1) find the request to be inconsistent with the best interests of public
8 safety and take no further action; or

9 (2) request that department or local correctional facility personnel provide
10 information for formal consideration of parole release.

11 (e) The information to be considered by the Commission before granting medical
12 parole shall, at a minimum, include:

13 **(1) TWO MEDICAL EVALUATIONS CONDUCTED BY MEDICAL**
14 **PROFESSIONALS THAT ARE INDEPENDENT FROM THE DIVISION OF CORRECTION,**
15 **PAID FOR BY THE DIVISION OF CORRECTION;**

16 **[(1)] (2)** the inmate's medical information, including:

17 (i) a description of the inmate's condition, disease, or syndrome;

18 (ii) a prognosis concerning the likelihood of recovery from the
19 condition, disease, or syndrome;

20 (iii) a description of the inmate's physical incapacity and score on the
21 Karnofsky Performance Scale Index or similar classification of physical impairment; and

22 (iv) a mental health evaluation, where relevant;

23 **[(2)] (3)** discharge information, including:

24 (i) availability of treatment or professional services within the
25 community;

26 (ii) family support within the community; and

27 (iii) housing availability, including hospital or hospice care; and

- 1 ~~(3)~~ (4) case management information, including:
- 2 (i) the circumstances of the current offense;
- 3 (ii) institutional history;
- 4 (iii) pending charges, sentences and other jurisdictions, and any
5 other detainers; and
- 6 (iv) criminal history information.
- 7 (f) The Commission may require as a condition of release on medical parole that:
- 8 (1) the parolee agree to placement for a definite or indefinite period of time
9 in a hospital or hospice or other housing accommodation suitable to the parolee's medical
10 condition, including the family home of the parolee, as specified by the Commission or the
11 supervising agent; and
- 12 (2) the parolee forward authentic copies of applicable medical records to
13 indicate that the particular medical condition giving rise to the release continues to exist.
- 14 (g) (1) If the Commission has reason to believe that a parolee is no longer so
15 debilitated or incapacitated as to be physically incapable of presenting a danger to society,
16 the parolee shall be returned to the custody of the Division of Correction or the local
17 correctional facility from which the inmate was released.
- 18 (2) (i) A parole hearing for a parolee returned to custody shall be held
19 to consider whether the parolee remains incapacitated and shall be heard promptly.
- 20 (ii) A parolee returned to custody under this subsection shall be
21 maintained in custody, if the incapacitation is found to no longer exist.
- 22 (3) An inmate whose medical parole is revoked for lack of continued
23 incapacitation may be considered for parole in accordance with the eligibility requirements
24 specified in § 7–301 of this subtitle.
- 25 (h) (1) Subject to paragraph (2) of this subsection, provisions of law relating to
26 victim notification and opportunity to be heard shall apply to proceedings relating to
27 medical parole.
- 28 (2) In cases of imminent death, time limits relating to victim notification
29 and opportunity to be heard may be waived in the discretion of the Commission.
- 30 (i) Consistent with § 7–301(d)(4) of this subtitle, a medical parole under this
31 section for a person serving a life sentence shall require the approval of the Governor.

1 (j) The Commission shall issue regulations to implement the provisions of this
2 section.

3 7-401.

4 (a) If a parolee is alleged to have violated a condition of parole, one commissioner
5 shall hear the case on revocation of the parole at the time and place that the Commission
6 designates.

7 (b) (1) Each individual charged with a parole violation is entitled to be
8 represented by counsel of the individual's choice or, if eligible, counsel provided by the
9 Public Defender's office.

10 (2) The Commission shall keep a record of the hearing.

11 (c) If the commissioner finds from the evidence that the parolee has violated a
12 condition of parole, the commissioner may take any action that the commissioner considers
13 appropriate, including:

14 (1) (i) **SUBJECT TO SUBSECTION (D)(1) OF THIS SECTION**, revoking
15 the order of parole;

16 (ii) setting a future hearing date for consideration for reparole; and

17 (iii) remanding the individual to the Division of Correction or local
18 correctional facility from which the individual was paroled; or

19 (2) continuing parole:

20 (i) without modification of its conditions; or

21 (ii) with modification of its conditions, including a requirement that
22 the parolee spend all or part of the remaining parole period in a home detention program.

23 (d) (1) **IF AN ORDER OF PAROLE IS REVOKED DUE TO A TECHNICAL**
24 **VIOLATION, AS DEFINED IN § 6-101 OF THIS ARTICLE, THE COMMISSIONER HEARING**
25 **THE PAROLE REVOCATION MAY REQUIRE THE INDIVIDUAL TO SERVE A PERIOD OF**
26 **IMPRISONMENT OF:**

27 **(I) FOR A FIRST VIOLATION, NOT MORE THAN 15 DAYS;**

28 **(II) FOR A SECOND VIOLATION, NOT MORE THAN 30 DAYS; AND**

29 **(III) FOR A THIRD VIOLATION, NOT MORE THAN 45 DAYS.**

1 **(2)** Subject to paragraph ~~[(2)]~~ **(3)** of this subsection and further action by
2 the Commission, if the order of parole is revoked **FOR A FOURTH OR SUBSEQUENT**
3 **TECHNICAL VIOLATION OR A VIOLATION THAT IS NOT A TECHNICAL VIOLATION**, the
4 commissioner hearing the parole revocation, in the commissioner's discretion, may require
5 the inmate to serve any unserved portion of the sentence originally imposed.

6 ~~[(2)]~~ **(3)** An inmate may not receive credit for time between release on
7 parole and revocation of parole if:

8 (i) the inmate was serving a sentence for a violent crime when
9 parole was revoked; and

10 (ii) the parole was revoked due to a finding that the inmate
11 committed a violent crime while on parole.

12 (e) Subject to subsection (d) of this section, if a sentence has commenced as
13 provided under § 9–202(c)(2) of this article and the inmate is serving that sentence when
14 the order of parole is revoked, any reimposed portion of the sentence originally imposed
15 shall begin at the expiration of any sentences which were begun under § 9–202(c)(2) of this
16 article.

17 (f) (1) The inmate may seek judicial review in the circuit court within 30 days
18 after receiving the written decision of the Commission.

19 (2) The court shall hear the action on the record.

20 7–504.

21 (a) **(1)** In this section[, “term] **THE FOLLOWING WORDS HAVE THE**
22 **MEANINGS INDICATED.**

23 **(2)** **“TERM of confinement”** has the meaning stated in § 3–701 of this
24 article.

25 **(3)** **“TECHNICAL VIOLATION” HAS THE MEANING STATED IN § 6–101**
26 **OF THIS ARTICLE.**

27 (b) (1) The commissioner presiding at an individual's mandatory supervision
28 revocation hearing may revoke [any or all of the] diminution credits previously earned by
29 the individual on the individual's term of confinement **IN ACCORDANCE WITH THE**
30 **FOLLOWING SCHEDULE:**

31 **(I) NOT MORE THAN 15 DAYS FOR A FIRST TECHNICAL**
32 **VIOLATION;**

1 **(II) NOT MORE THAN 30 DAYS FOR A SECOND TECHNICAL**
2 **VIOLATION;**

3 **(III) NOT MORE THAN 45 DAYS FOR A THIRD TECHNICAL**
4 **VIOLATION; AND**

5 **(IV) UP TO ALL REMAINING DAYS FOR A FOURTH OR**
6 **SUBSEQUENT TECHNICAL VIOLATION OR A VIOLATION THAT IS NOT A TECHNICAL**
7 **VIOLATION.**

8 (2) Nothing in this section affects the prohibition against the application of
9 diminution credits under § 7-502 of this subtitle to the term of confinement of an inmate
10 convicted and sentenced to imprisonment for a crime committed while on mandatory
11 supervision.

12 (c) After an inmate's mandatory supervision has been revoked, the inmate may
13 not be awarded any new diminution credits on the term of confinement for which the inmate
14 was on mandatory supervision.

15 **9-614.**

16 **(A) THIS SECTION APPLIES TO AN INMATE IN A STATE OR LOCAL**
17 **CORRECTIONAL FACILITY.**

18 **(B) THE DEPARTMENT SHALL COLLECT AN INMATE'S EARNINGS.**

19 **(C) FROM AN INMATE'S EARNINGS, THE DEPARTMENT SHALL:**

20 **(1) IF REQUIRED BY LAW, REIMBURSE THE COUNTY OR STATE FOR**
21 **THE COST OF PROVIDING FOOD, LODGING, AND CLOTHING TO THE INMATE;**

22 **(2) PAY COURT ORDERED PAYMENTS FOR SUPPORT OF DEPENDENTS;**

23 **(3) PAY COURT ORDERED PAYMENTS FOR RESTITUTION; AND**

24 **(4) PAY COMPENSATION FOR VICTIMS OF CRIME IN ACCORDANCE**
25 **WITH SUBSECTION (D) OF THIS SECTION.**

26 **(D) (1) OF THE EARNINGS OF AN INMATE IN THE PRIVATE**
27 **SECTOR/PRISON INDUSTRY ENHANCEMENT CERTIFICATION PROGRAM OF THE**
28 **UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, THE**
29 **DEPARTMENT SHALL WITHHOLD 20% FOR COMPENSATION FOR VICTIMS OF CRIME,**
30 **IN ACCORDANCE WITH THE REQUIREMENTS OF THE PROGRAM.**

1 **(2) (I) IF AN INMATE HAS EARNINGS THAT ARE NOT COVERED**
2 **UNDER THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION, THE**
3 **DEPARTMENT SHALL WITHHOLD 25% FOR COMPENSATION FOR VICTIMS OF CRIME.**

4 **(II) THE REQUIREMENTS OF SUBPARAGRAPH (I) OF THIS**
5 **PARAGRAPH APPLY ONLY WHEN AN INMATE HAS AT LEAST \$50 IN THE INMATE'S**
6 **FINANCIAL ACCOUNTS.**

7 **(3) (I) IF A COURT IN A CRIMINAL OR JUVENILE DELINQUENCY**
8 **PROCEEDING HAS ORDERED THE INMATE TO PAY RESTITUTION, THE DEPARTMENT**
9 **SHALL FORWARD THE MONEY WITHHELD UNDER PARAGRAPH (1) OR (2) OF THIS**
10 **SUBSECTION TO THE CRIMINAL INJURIES COMPENSATION FUND ESTABLISHED**
11 **UNDER § 11-819 OF THE CRIMINAL PROCEDURE ARTICLE.**

12 **(II) THE CRIMINAL INJURIES COMPENSATION BOARD SHALL**
13 **DISTRIBUTE FROM THE CRIMINAL INJURIES COMPENSATION FUND ANY AMOUNT**
14 **RECEIVED UNDER THIS PARAGRAPH TO THE PERSON OR GOVERNMENTAL UNIT**
15 **SPECIFIED IN THE JUDGMENT OF RESTITUTION TO PAY THE RESTITUTION AS**
16 **REQUIRED UNDER § 11-607(B)(2) OF THE CRIMINAL PROCEDURE ARTICLE.**

17 **(4) IF THE INMATE IS NOT SUBJECT TO A JUDGMENT OF RESTITUTION**
18 **OR THE JUDGMENT OF RESTITUTION IS SATISFIED, OF THE MONEY WITHHELD**
19 **UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL PAY:**

20 **(I) 50% INTO THE CRIMINAL INJURIES COMPENSATION FUND**
21 **ESTABLISHED UNDER § 11-819 OF THE CRIMINAL PROCEDURE ARTICLE; AND**

22 **(II) 50% INTO THE STATE VICTIMS OF CRIME FUND**
23 **ESTABLISHED UNDER § 11-916 OF THE CRIMINAL PROCEDURE ARTICLE.**

24 **(E) THE DEPARTMENT SHALL:**

25 **(1) CREDIT TO THE INMATE'S ACCOUNT ANY BALANCE THAT REMAINS**
26 **AFTER PAYING THE ITEMS IN SUBSECTION (C)(1) THROUGH (4) OF THIS SECTION;**
27 **AND**

28 **(2) PAY THE BALANCE IN THE INMATE'S ACCOUNT TO THE INMATE**
29 **WITHIN 15 DAYS AFTER THE INMATE IS RELEASED.**

30 11-504.

31 **(a) An inmate who is sentenced to a local correctional facility shall be allowed an**
32 **initial deduction from the inmate's term of confinement.**

1 (b) The deduction described in subsection (a) of this section shall be calculated:

2 (1) from the first day of the inmate's postsentence commitment to the
3 custody of the local correctional facility to the last day of the inmate's maximum term of
4 confinement;

5 (2) (I) at the rate of 5 days for each calendar month **IF THE INMATE'S**
6 **TERM OF CONFINEMENT INCLUDES A CONSECUTIVE OR CONCURRENT SENTENCE**
7 **FOR A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW**
8 **ARTICLE; OR**

9 (II) **AT THE RATE OF 10 DAYS FOR EACH CALENDAR MONTH FOR**
10 **ALL OTHER INMATES;** and

11 (3) on a prorated basis for any portion of a calendar month.

12 [11-604.

13 (a) The Department shall collect an inmate's earnings.

14 (b) From an inmate's earnings, the Department shall:

15 (1) reimburse the county or State for the cost of providing food, lodging,
16 and clothing to the inmate in a local correctional facility;

17 (2) pay court ordered payments for support of dependents;

18 (3) pay court ordered payments for restitution; and

19 (4) pay compensation for victims of crime in accordance with subsection (c)
20 of this section.

21 (c) (1) Of the earnings of an inmate in the Private Sector/Prison Industry
22 Enhancement Certification Program of the United States Department of Justice, Bureau
23 of Justice Assistance, the Department shall withhold 20% for compensation for victims of
24 crime, in accordance with the requirements of the Program.

25 (2) (i) If a court in a criminal or juvenile delinquency proceeding has
26 ordered the inmate to pay restitution, the Department shall forward the 20% withheld
27 under paragraph (1) of this subsection to the Criminal Injuries Compensation Fund
28 established under § 11-819 of the Criminal Procedure Article.

29 (ii) The Criminal Injuries Compensation Board shall distribute from
30 the Criminal Injuries Compensation Fund any amount received under this paragraph to
31 the person or governmental unit specified in the judgment of restitution to pay the
32 restitution as required under § 11-607(b)(2) of the Criminal Procedure Article.

1 (b) Information that is communicated to a physician in an effort to obtain a
2 controlled dangerous substance in violation of this section is not a privileged
3 communication.

4 (c) [(1)] Except as provided in [paragraphs (2), (3), and (4) of this subsection]
5 **SUBSECTION (D) OF THIS SECTION**, a person who violates this section is guilty of a
6 misdemeanor and on conviction is subject to [imprisonment not exceeding 4 years or a fine
7 not exceeding \$25,000 or both]:

8 **(1) FOR A FIRST CONVICTION, IMPRISONMENT NOT EXCEEDING 1**
9 **YEAR OR A FINE NOT EXCEEDING \$25,000 OR BOTH;**

10 **(2) FOR A SECOND OR THIRD CONVICTION, IMPRISONMENT NOT**
11 **EXCEEDING 18 MONTHS OR A FINE NOT EXCEEDING \$25,000 OR BOTH; AND**

12 **(3) FOR A FOURTH OR SUBSEQUENT CONVICTION, IMPRISONMENT**
13 **NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$25,000 OR BOTH.**

14 [(2) (i)] **(D)** Except as provided in [subparagraph (ii) of this
15 paragraph] **§ 5-601.1 OF THIS ARTICLE**, a person whose violation of this section involves
16 the use or possession of marijuana **IS GUILTY OF A MISDEMEANOR AND** is subject to
17 [imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.]:

18 **(1) FOR A FIRST CONVICTION, IMPRISONMENT NOT EXCEEDING 6**
19 **MONTHS OR A FINE NOT EXCEEDING \$1,000 OR BOTH; AND**

20 **(2) FOR A SECOND OR SUBSEQUENT CONVICTION, IMPRISONMENT**
21 **NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH.**

22 [(ii) 1. A first violation of this section involving the use or
23 possession of less than 10 grams of marijuana is a civil offense punishable by a fine not
24 exceeding \$100.

25 2. A second violation of this section involving the use or
26 possession of less than 10 grams of marijuana is a civil offense punishable by a fine not
27 exceeding \$250.

28 3. A third or subsequent violation of this section involving
29 the use or possession of less than 10 grams of marijuana is a civil offense punishable by a
30 fine not exceeding \$500.

31 4. A. In addition to a fine, a court shall order a person
32 under the age of 21 years who commits a violation punishable under subparagraph 1,
33 2, or 3 of this subparagraph to attend a drug education program approved by the

1 Department of Health and Mental Hygiene, refer the person to an assessment for substance
2 abuse disorder, and refer the person to substance abuse treatment, if necessary.

3 B. In addition to a fine, a court shall order a person at least
4 21 years old who commits a violation punishable under subparagraph 3 of this
5 subparagraph to attend a drug education program approved by the Department of Health
6 and Mental Hygiene, refer the person to an assessment for substance abuse disorder, and
7 refer the person to substance abuse treatment, if necessary.]

8 [(3) (i) 1.] (E) (1) (I) In this [paragraph] SUBSECTION the
9 following words have the meanings indicated.

10 [2.] (II) “Bona fide physician–patient relationship” means a
11 relationship in which the physician has ongoing responsibility for the assessment, care, and
12 treatment of a patient’s medical condition.

13 [3.] (III) “Caregiver” means an individual designated by a
14 patient with a debilitating medical condition to provide physical or medical assistance to
15 the patient, including assisting with the medical use of marijuana, who:

16 [A.] 1. is a resident of the State;

17 [B.] 2. is at least 21 years old;

18 [C.] 3. is an immediate family member, a spouse, or a
19 domestic partner of the patient;

20 [D.] 4. has not been convicted of a crime of violence as
21 defined in § 14–101 of this article;

22 [E.] 5. has not been convicted of a violation of a State or
23 federal controlled dangerous substances law;

24 [F.] 6. has not been convicted of a crime of moral turpitude;

25 [G.] 7. has been designated as caregiver by the patient in
26 writing that has been placed in the patient’s medical record prior to arrest;

27 [H.] 8. is the only individual designated by the patient to
28 serve as caregiver; and

29 [I.] 9. is not serving as caregiver for any other patient.

30 [4.] (IV) “Debilitating medical condition” means a chronic or
31 debilitating disease or medical condition or the treatment of a chronic or debilitating

1 disease or medical condition that produces one or more of the following, as documented by
2 a physician with whom the patient has a bona fide physician–patient relationship:

3 [A.] 1. cachexia or wasting syndrome;

4 [B.] 2. severe or chronic pain;

5 [C.] 3. severe nausea;

6 [D.] 4. seizures;

7 [E.] 5. severe and persistent muscle spasms; or

8 [F.] 6. any other condition that is severe and resistant to
9 conventional medicine.

10 [(ii) 1.] (2) (I) In a prosecution for the use or possession of
11 marijuana, the defendant may introduce and the court shall consider as a mitigating factor
12 any evidence of medical necessity.

13 [2.] (II) Notwithstanding [paragraph (2) of this subsection]
14 **SUBSECTION (C) OF THIS SECTION**, if the court finds that the person used or possessed
15 marijuana because of medical necessity, the court shall dismiss the charge.

16 [(iii) 1.] (3) (I) In a prosecution for the use or possession of
17 marijuana under this section, it is an affirmative defense that the defendant used or
18 possessed marijuana because:

19 [A.] 1. the defendant has a debilitating medical condition
20 that has been diagnosed by a physician with whom the defendant has a bona fide
21 physician–patient relationship;

22 [B.] 2. the debilitating medical condition is severe and
23 resistant to conventional medicine; and

24 [C.] 3. marijuana is likely to provide the defendant with
25 therapeutic or palliative relief from the debilitating medical condition.

26 [2. A.] (II) 1. In a prosecution for the possession of
27 marijuana under this section, it is an affirmative defense that the defendant possessed
28 marijuana because the marijuana was intended for medical use by an individual with a
29 debilitating medical condition for whom the defendant is a caregiver.

30 [B.] 2. A defendant may not assert the affirmative defense
31 under this [subsubparagraph] **SUBPARAGRAPH** unless the defendant notifies the State’s
32 Attorney of the defendant’s intention to assert the affirmative defense and provides the

1 State's Attorney with all documentation in support of the affirmative defense in accordance
2 with the rules of discovery provided in Maryland Rules 4-262 and 4-263.

3 [3.] (III) An affirmative defense under this [subparagraph]
4 PARAGRAPH may not be used if the defendant was:

5 [A.] 1. using marijuana in a public place or assisting the
6 individual for whom the defendant is a caregiver in using the marijuana in a public place;
7 or

8 [B.] 2. in possession of more than 1 ounce of marijuana.

9 [(4) A violation of this section involving the smoking of marijuana in a
10 public place is a civil offense punishable by a fine not exceeding \$500.

11 (d) The provisions of subsection (c)(2)(ii) of this section making the possession of
12 marijuana a civil offense may not be construed to affect the laws relating to:

13 (1) operating a vehicle or vessel while under the influence of or while
14 impaired by a controlled dangerous substance; or

15 (2) seizure and forfeiture.]

16 (F) (1) BEFORE IMPOSING A SENTENCE UNDER SUBSECTION (C) OR (D)
17 OF THIS SECTION, THE COURT SHALL ORDER THE DEPARTMENT OF PUBLIC SAFETY
18 AND CORRECTIONAL SERVICES TO EVALUATE THE DEFENDANT FOR DRUG
19 DEPENDENCE AND PROVIDE AN ASSESSMENT TO DETERMINE WHETHER THE
20 DEFENDANT IS IN NEED OF AND MAY BENEFIT FROM DRUG TREATMENT.

21 (2) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
22 SERVICES SHALL CONDUCT AN EVALUATION OF THE DEFENDANT AND PROVIDE AN
23 ASSESSMENT TO THE COURT, THE DEFENDANT OR THE DEFENDANT'S ATTORNEY,
24 AND THE STATE IDENTIFYING THE DEFENDANT'S DRUG TREATMENT NEEDS.

25 (3) THE COURT SHALL CONSIDER AND INCORPORATE THE RESULTS
26 OF THE ASSESSMENT PERFORMED IN PARAGRAPH (2) OF THIS SUBSECTION INTO
27 THE DEFENDANT'S SENTENCE AND:

28 (I) IF THE COURT FINDS THAT THE DEFENDANT IS NOT AN
29 IMMINENT RISK TO PUBLIC SAFETY, THE COURT SHALL SUSPEND THE SENTENCE
30 AND ORDER PROBATION AND, IF THE ASSESSMENT SHOWS THAT THE DEFENDANT IS
31 IN NEED OF SUBSTANCE ABUSE TREATMENT, REQUIRE THE DIVISION OF PAROLE
32 AND PROBATION TO PROVIDE APPROPRIATE TREATMENT IN THE COMMUNITY AS
33 IDENTIFIED IN THE ASSESSMENT; OR

1 **(II) IF THE COURT FINDS THAT THE DEFENDANT POSES AN**
2 **IMMINENT RISK TO PUBLIC SAFETY, THE COURT MAY IMPOSE A TERM OF**
3 **IMPRISONMENT UNDER SUBSECTION (C) OR (D) OF THIS SECTION AND ORDER THE**
4 **DIVISION OF CORRECTION OR LOCAL CORRECTIONAL FACILITY TO PROVIDE**
5 **TREATMENT AS IDENTIFIED IN THE ASSESSMENT.**

6 5-601.1.

7 **(A) A VIOLATION OF § 5-601 OF THIS PART INVOLVING THE SMOKING OF**
8 **MARIJUANA IN A PUBLIC PLACE IS A CIVIL OFFENSE PUNISHABLE BY A FINE NOT**
9 **EXCEEDING \$500.**

10 **(B) (1) A FIRST VIOLATION OF § 5-601 OF THIS PART INVOLVING THE USE**
11 **OR POSSESSION OF LESS THAN 10 GRAMS OF MARIJUANA IS A CIVIL OFFENSE**
12 **PUNISHABLE BY A FINE NOT EXCEEDING \$100.**

13 **(2) A SECOND VIOLATION OF § 5-601 OF THIS PART INVOLVING THE**
14 **USE OR POSSESSION OF LESS THAN 10 GRAMS OF MARIJUANA IS A CIVIL OFFENSE**
15 **PUNISHABLE BY A FINE NOT EXCEEDING \$250.**

16 **(3) A THIRD OR SUBSEQUENT VIOLATION OF § 5-601 OF THIS PART**
17 **INVOLVING THE USE OR POSSESSION OF LESS THAN 10 GRAMS OF MARIJUANA IS A**
18 **CIVIL OFFENSE PUNISHABLE BY A FINE NOT EXCEEDING \$500.**

19 **(4) (I) IN ADDITION TO A FINE, A COURT SHALL ORDER A PERSON**
20 **UNDER THE AGE OF 21 YEARS WHO COMMITS A VIOLATION PUNISHABLE UNDER**
21 **PARAGRAPH (1), (2), OR (3) OF THIS SUBSECTION TO ATTEND A DRUG EDUCATION**
22 **PROGRAM APPROVED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE,**
23 **REFER THE PERSON TO AN ASSESSMENT FOR SUBSTANCE ABUSE DISORDER, AND**
24 **REFER THE PERSON TO SUBSTANCE ABUSE TREATMENT, IF NECESSARY.**

25 **(II) IN ADDITION TO A FINE, A COURT SHALL ORDER A PERSON**
26 **AT LEAST 21 YEARS OLD WHO COMMITS A VIOLATION PUNISHABLE UNDER**
27 **PARAGRAPH (3) OF THIS SUBSECTION TO ATTEND A DRUG EDUCATION PROGRAM**
28 **APPROVED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, REFER THE**
29 **PERSON TO AN ASSESSMENT FOR SUBSTANCE ABUSE DISORDER, AND REFER THE**
30 **PERSON TO SUBSTANCE ABUSE TREATMENT, IF NECESSARY.**

31 **[(a)] (C) A police officer shall issue a citation to a person who the police officer**
32 **has probable cause to believe has committed a violation of § 5-601 of this part involving**
33 **the use or possession of less than 10 grams of marijuana.**

1 **[(b)] (D)** (1) A violation of § 5–601 of this part involving the use or possession
2 of less than 10 grams of marijuana is a civil offense.

3 (2) Adjudication of a violation under § 5–601 of this part involving the use
4 or possession of less than 10 grams of marijuana:

5 (i) is not a criminal conviction for any purpose; and

6 (ii) does not impose any of the civil disabilities that may result from
7 a criminal conviction.

8 **[(c)] (E)** (1) A citation issued for a violation of § 5–601 of this part involving
9 the use or possession of less than 10 grams of marijuana shall be signed by the police officer
10 who issues the citation and shall contain:

11 (i) the name and address of the person charged;

12 (ii) the date and time that the violation occurred;

13 (iii) the location at which the violation occurred;

14 (iv) the fine that may be imposed;

15 (v) a notice stating that prepayment of the fine is allowed, except as
16 provided in paragraph (2) of this subsection; and

17 (vi) a notice in boldface type that states that the person shall:

18 1. pay the full amount of the preset fine; or

19 2. request a trial date at the date, time, and place established
20 by the District Court by writ or trial notice.

21 (2) (i) If a citation for a violation of § 5–601 of this part involving the
22 use or possession of less than 10 grams of marijuana is issued to a person under the age of
23 21 years, the court shall summon the person for trial.

24 (ii) If the court finds that a person at least 21 years old has
25 committed a third or subsequent violation of § 5–601 of this part involving the use or
26 possession of less than 10 grams of marijuana, the court shall summon the person for trial.

27 **[(d)] (F)** The form of the citation shall be uniform throughout the State and shall
28 be prescribed by the District Court.

29 **[(e)] (G)** The Chief Judge of the District Court shall establish a schedule for the
30 prepayment of the fine.

1 **[(f)] (H)** A person issued a citation for a violation of § 5–601 of this part involving
2 the use or possession of less than 10 grams of marijuana who is under the age of 18 years
3 shall be subject to the procedures and dispositions provided in Title 3, Subtitle 8A of the
4 Courts Article.

5 **[(g)] (I)** A citation for a violation of § 5–601 of this part involving the use or
6 possession of less than 10 grams of marijuana and the official record of a court regarding
7 the citation are not subject to public inspection and may not be included on the public Web
8 site maintained by the Maryland Judiciary.

9 **(J) THE PROVISIONS OF THIS SECTION MAKING THE USE OR POSSESSION OF**
10 **LESS THAN 10 GRAMS OF MARIJUANA A CIVIL OFFENSE MAY NOT BE CONSTRUED TO**
11 **AFFECT THE LAWS RELATING TO:**

12 **(1) OPERATING A VEHICLE OR VESSEL WHILE UNDER THE INFLUENCE**
13 **OF OR WHILE IMPAIRED BY A CONTROLLED DANGEROUS SUBSTANCE; OR**

14 **(2) SEIZURE AND FORFEITURE.**

15 5–607.

16 (a) Except as provided in §§ 5–608 and 5–609 of this subtitle, a person who
17 violates a provision of §§ 5–602 through 5–606 of this subtitle is guilty of a felony and on
18 conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$15,000
19 or both.

20 (b) (1) **[Except as provided in] SUBJECT TO § 5–609.1** of this subtitle, a person
21 who has been convicted previously under subsection (a) of this section shall be sentenced
22 to imprisonment for not less than 2 years.

23 (2) The court may not suspend the mandatory minimum sentence to less
24 than 2 years.

25 (3) Except as provided in § 4–305 of the Correctional Services Article, the
26 person is not eligible for parole during the mandatory minimum sentence.

27 (c) A person convicted under subsection (a) of this section is not prohibited from
28 participating in a drug treatment program under § 8–507 of the Health – General Article
29 because of the length of the sentence.

30 5–608.

31 (a) Except as otherwise provided in this section, a person who violates a provision
32 of §§ 5–602 through 5–606 of this subtitle with respect to a Schedule I or Schedule II
33 narcotic drug is guilty of a felony and on conviction is subject to: imprisonment not
34 exceeding 20 years or a fine not exceeding \$25,000 or both.

1 (b) (1) [Except as provided in] **SUBJECT TO** § 5–609.1 of this subtitle, a person
2 who is convicted under subsection (a) of this section or of conspiracy to commit a crime
3 included in subsection (a) of this section shall be sentenced to imprisonment for not less
4 than 10 years and is subject to a fine not exceeding \$100,000 if the person previously has
5 been convicted once:

6 (i) under subsection (a) of this section or § 5–609 of this subtitle;

7 (ii) of conspiracy to commit a crime included in subsection (a) of this
8 section or § 5–609 of this subtitle; or

9 (iii) of a crime under the laws of another state or the United States
10 that would be a crime included in subsection (a) of this section or § 5–609 of this subtitle if
11 committed in this State.

12 (2) The court may not suspend the mandatory minimum sentence to less
13 than 10 years.

14 (3) Except as provided in § 4–305 of the Correctional Services Article, the
15 person is not eligible for parole during the mandatory minimum sentence.

16 (c) (1) [Except as provided in] **SUBJECT TO** § 5–609.1 of this subtitle, a person
17 who is convicted under subsection (a) of this section or of conspiracy to commit a crime
18 included in subsection (a) of this section shall be sentenced to imprisonment for not less
19 than 25 years and is subject to a fine not exceeding \$100,000 if the person previously:

20 (i) has served at least one term of confinement of at least 180 days
21 in a correctional institution as a result of a conviction:

22 1. under subsection (a) of this section or § 5–609 or § 5–614
23 of this subtitle;

24 2. of conspiracy to commit a crime included in subsection (a)
25 of this section or § 5–609 of this subtitle; or

26 3. of a crime under the laws of another state or the United
27 States that would be a crime included in subsection (a) of this section or § 5–609 of this
28 subtitle if committed in this State; and

29 (ii) has been convicted twice, if the convictions arise from separate
30 occasions:

31 1. under subsection (a) of this section or § 5–609 of this
32 subtitle;

1 5–609.

2 (a) Except as otherwise provided in this section, a person who violates a provision
3 of §§ 5–602 through 5–606 of this subtitle with respect to any of the following controlled
4 dangerous substances is guilty of a felony and on conviction is subject to imprisonment not
5 exceeding 20 years or a fine not exceeding \$20,000 or both:

6 (1) phencyclidine;

7 (2) 1–(1–phenylcyclohexyl) piperidine;

8 (3) 1–phenylcyclohexylamine;

9 (4) 1–piperidinocyclohexanecarbonitrile;

10 (5) N–ethyl–1–phenylcyclohexylamine;

11 (6) 1–(1–phenylcyclohexyl)–pyrrolidine;

12 (7) 1–(1–(2–thienyl)–cyclohexyl)–piperidine;

13 (8) lysergic acid diethylamide; or

14 (9) 750 grams or more of 3, 4–methylenedioxymethamphetamine (MDMA).

15 (b) (1) [Except as provided in] **SUBJECT TO** § 5–609.1 of this subtitle, a person
16 who is convicted under subsection (a) of this section or of conspiracy to commit a crime
17 included in subsection (a) of this section shall be sentenced to imprisonment for not less
18 than 10 years and is subject to a fine not exceeding \$100,000 if the person previously has
19 been convicted once:

20 (i) under subsection (a) of this section or § 5–608 of this subtitle;

21 (ii) of conspiracy to commit a crime included in subsection (a) of this
22 section or § 5–608 of this subtitle;

23 (iii) of a crime under the laws of another state or the United States
24 that would be a crime included in subsection (a) of this section or § 5–608 of this subtitle if
25 committed in this State; or

26 (iv) of any combination of these crimes.

27 (2) The court may not suspend the mandatory minimum sentence to less
28 than 10 years.

29 (3) Except as provided in § 4–305 of the Correctional Services Article, the
30 person is not eligible for parole during the mandatory minimum sentence.

1 (c) (1) [Except as provided in] **SUBJECT TO** § 5–609.1 of this subtitle, a person
2 who is convicted under subsection (a) of this section or of conspiracy to commit a crime
3 included in subsection (a) of this section shall be sentenced to imprisonment for not less
4 than 25 years and is subject to a fine not exceeding \$100,000 if the person previously:

5 (i) has served at least one term of confinement of at least 180 days
6 in a correctional institution as a result of a conviction under subsection (a) of this section,
7 § 5–608 of this subtitle, or § 5–614 of this subtitle; and

8 (ii) if the convictions do not arise from a single incident, has been
9 convicted twice:

10 1. under subsection (a) of this section or § 5–608 of this
11 subtitle;

12 2. of conspiracy to commit a crime included in subsection (a)
13 of this section or § 5–608 of this subtitle;

14 3. of a crime under the laws of another state or the United
15 States that would be a crime included in subsection (a) of this section or § 5–608 of this
16 subtitle if committed in this State; or

17 4. of any combination of these crimes.

18 (2) The court may not suspend any part of the mandatory minimum
19 sentence of 25 years.

20 (3) Except as provided in § 4–305 of the Correctional Services Article, the
21 person is not eligible for parole during the mandatory minimum sentence.

22 (4) A separate occasion is one in which the second or succeeding crime is
23 committed after there has been a charging document filed for the preceding crime.

24 (d) (1) [Except as provided in] **SUBJECT TO** § 5–609.1 of this subtitle, a person
25 who is convicted under subsection (a) of this section or of conspiracy to commit a crime
26 included in subsection (a) of this section shall be sentenced to imprisonment for not less
27 than 40 years and is subject to a fine not exceeding \$100,000 if the person previously has
28 served three separate terms of confinement as a result of three separate convictions:

29 (i) under subsection (a) of this section or § 5–608 of this subtitle;

30 (ii) of conspiracy to commit a crime included in subsection (a) of this
31 section or § 5–608 of this subtitle;

1 (iii) of a crime under the laws of another state or the United States
2 that would be a crime included in subsection (a) of this section or § 5–608 of this subtitle if
3 committed in this State; or

4 (iv) of any combination of these crimes.

5 (2) The court may not suspend any part of the mandatory minimum
6 sentence of 40 years.

7 (3) Except as provided in § 4–305 of the Correctional Services Article, the
8 person is not eligible for parole during the mandatory minimum sentence.

9 (e) A person convicted under subsection (a) of this section or of conspiracy to
10 commit a crime included in subsection (a) of this section is not prohibited from participating
11 in a drug treatment program under § 8–507 of the Health – General Article because of the
12 length of the sentence.

13 5–609.1.

14 (A) A court may [depart from] **IMPOSE** a mandatory minimum sentence
15 prescribed in § 5–607, § 5–608, or § 5–609 of this subtitle [if the court finds and states on
16 the record] **ONLY IF THE STATE SHOWS** that, giving due regard to the nature of the crime,
17 the history and character of the defendant, and the defendant’s chances of successful
18 rehabilitation:

19 (1) imposition of the mandatory minimum sentence would **NOT** result in
20 substantial injustice to the defendant; and

21 (2) the mandatory minimum sentence is [not] necessary for the protection
22 of the public.

23 (B) **A COURT SHALL STATE ON THE RECORD THE REASONS FOR DEPARTING**
24 **FROM A MANDATORY MINIMUM SENTENCE.**

25 (C) (1) **NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND SUBJECT**
26 **TO PARAGRAPH (3) OF THIS SUBSECTION, A PERSON WHO IS SERVING A TERM OF**
27 **CONFINEMENT THAT INCLUDES A MANDATORY MINIMUM SENTENCE IMPOSED ON OR**
28 **BEFORE SEPTEMBER 30, 2016, FOR A VIOLATION OF §§ 5–602 THROUGH 5–606 OF**
29 **THIS SUBTITLE MAY APPLY TO THE COURT TO MODIFY OR REDUCE THE MANDATORY**
30 **MINIMUM SENTENCE AS PROVIDED IN MARYLAND RULE 4–345, REGARDLESS OF**
31 **WHETHER THE DEFENDANT FILED A TIMELY MOTION FOR RECONSIDERATION OR A**
32 **MOTION FOR RECONSIDERATION WAS DENIED BY THE COURT.**

1 **(2) THE COURT MAY MODIFY THE SENTENCE AND DEPART FROM THE**
2 **MANDATORY MINIMUM SENTENCE AS PROVIDED IN SUBSECTION (A) OF THIS**
3 **SECTION.**

4 **(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
5 **PARAGRAPH, AN APPLICATION FOR A HEARING UNDER PARAGRAPH (1) OF THIS**
6 **SUBSECTION SHALL BE SUBMITTED TO THE COURT OR REVIEW PANEL ON OR**
7 **BEFORE SEPTEMBER 30, 2017.**

8 **(II) THE COURT MAY CONSIDER AN APPLICATION AFTER**
9 **SEPTEMBER 30, 2017, ONLY FOR GOOD CAUSE SHOWN.**

10 **(III) THE COURT SHALL NOTIFY THE STATE’S ATTORNEY OF A**
11 **REQUEST FOR A HEARING.**

12 **(IV) A PERSON MAY NOT FILE MORE THAN ONE APPLICATION**
13 **FOR A HEARING UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR A MANDATORY**
14 **MINIMUM SENTENCE FOR A VIOLATION OF §§ 5–602 THROUGH 5–606 OF THIS**
15 **SUBTITLE.**

16 5–612.

17 (a) A person may not manufacture, distribute, dispense, or possess:

18 (1) 50 pounds or more of marijuana;

19 (2) 448 grams or more of cocaine;

20 (3) 448 grams or more of any mixture containing a detectable amount of
21 cocaine;

22 (4) [50] 448 grams or more of cocaine base, commonly known as “crack”;

23 (5) 28 grams or more of morphine or opium or any derivative, salt, isomer,
24 or salt of an isomer of morphine or opium;

25 (6) any mixture containing 28 grams or more of morphine or opium or any
26 derivative, salt, isomer, or salt of an isomer of morphine or opium;

27 (7) 1,000 dosage units or more of lysergic acid diethylamide;

28 (8) any mixture containing the equivalent of 1,000 dosage units of lysergic
29 acid diethylamide;

30 (9) 16 ounces or more of phencyclidine in liquid form;

1 (10) 448 grams or more of any mixture containing phencyclidine;

2 (11) 448 grams or more of methamphetamine; or

3 (12) any mixture containing 448 grams or more of methamphetamine.

4 (b) For the purpose of determining the quantity of a controlled dangerous
5 substance involved in individual acts of manufacturing, distributing, dispensing, or
6 possessing under subsection (a) of this section, the acts may be aggregated if each of the
7 acts occurred within a 90-day period.

8 (c) (1) A person who is convicted of a violation of subsection (a) of this section
9 shall be sentenced to imprisonment for not less than 5 years and is subject to a fine not
10 exceeding \$100,000.

11 (2) The court may not suspend any part of the mandatory minimum
12 sentence of 5 years.

13 (3) Except as provided in § 4-305 of the Correctional Services Article, the
14 person is not eligible for parole during the mandatory minimum sentence.

15 7-104.

16 (a) A person may not willfully or knowingly obtain or exert unauthorized control
17 over property, if the person:

18 (1) intends to deprive the owner of the property;

19 (2) willfully or knowingly uses, conceals, or abandons the property in a
20 manner that deprives the owner of the property; or

21 (3) uses, conceals, or abandons the property knowing the use, concealment,
22 or abandonment probably will deprive the owner of the property.

23 (b) A person may not obtain control over property by willfully or knowingly using
24 deception, if the person:

25 (1) intends to deprive the owner of the property;

26 (2) willfully or knowingly uses, conceals, or abandons the property in a
27 manner that deprives the owner of the property; or

28 (3) uses, conceals, or abandons the property knowing the use, concealment,
29 or abandonment probably will deprive the owner of the property.

1 (c) (1) A person may not possess stolen personal property knowing that it has
2 been stolen, or believing that it probably has been stolen, if the person:

3 (i) intends to deprive the owner of the property;

4 (ii) willfully or knowingly uses, conceals, or abandons the property
5 in a manner that deprives the owner of the property; or

6 (iii) uses, conceals, or abandons the property knowing that the use,
7 concealment, or abandonment probably will deprive the owner of the property.

8 (2) In the case of a person in the business of buying or selling goods, the
9 knowledge required under this subsection may be inferred if:

10 (i) the person possesses or exerts control over property stolen from
11 more than one person on separate occasions;

12 (ii) during the year preceding the criminal possession charged, the
13 person has acquired stolen property in a separate transaction; or

14 (iii) being in the business of buying or selling property of the sort
15 possessed, the person acquired it for a consideration that the person knew was far below a
16 reasonable value.

17 (3) In a prosecution for theft by possession of stolen property under this
18 subsection, it is not a defense that:

19 (i) the person who stole the property has not been convicted,
20 apprehended, or identified;

21 (ii) the defendant stole or participated in the stealing of the property;

22 (iii) the property was provided by law enforcement as part of an
23 investigation, if the property was described to the defendant as being obtained through the
24 commission of theft; or

25 (iv) the stealing of the property did not occur in the State.

26 (4) Unless the person who criminally possesses stolen property
27 participated in the stealing, the person who criminally possesses stolen property and a
28 person who has stolen the property are not accomplices in theft for the purpose of any rule
29 of evidence requiring corroboration of the testimony of an accomplice.

30 (d) A person may not obtain control over property knowing that the property was
31 lost, mislaid, or was delivered under a mistake as to the identity of the recipient or nature
32 or amount of the property, if the person:

1 (1) knows or learns the identity of the owner or knows, is aware of, or
2 learns of a reasonable method of identifying the owner;

3 (2) fails to take reasonable measures to restore the property to the owner;
4 and

5 (3) intends to deprive the owner permanently of the use or benefit of the
6 property when the person obtains the property or at a later time.

7 (e) A person may not obtain the services of another that are available only for
8 compensation:

9 (1) by deception; or

10 (2) with knowledge that the services are provided without the consent of
11 the person providing them.

12 (f) Under this section, an offender's intention or knowledge that a promise would
13 not be performed may not be established by or inferred solely from the fact that the promise
14 was not performed.

15 (g) (1) A person convicted of theft of property or services with a value of:

16 (i) at least **[\$1,000] \$2,000** but less than **[\$10,000] \$25,000** is
17 guilty of a felony and:

18 1. is subject to imprisonment not exceeding **[10] 5** years or a
19 fine not exceeding \$10,000 or both; and

20 2. shall restore the property taken to the owner or pay the
21 owner the value of the property or services;

22 (ii) at least **[\$10,000] \$25,000** but less than \$100,000 is guilty of a
23 felony and:

24 1. is subject to imprisonment not exceeding **[15] 10** years or
25 a fine not exceeding \$15,000 or both; and

26 2. shall restore the property taken to the owner or pay the
27 owner the value of the property or services; or

28 (iii) \$100,000 or more is guilty of a felony and:

29 1. is subject to imprisonment not exceeding **[25] 20** years or
30 a fine not exceeding \$25,000 or both; and

1 2. shall restore the property taken to the owner or pay the
2 owner the value of the property or services.

3 (2) Except as provided in [paragraphs (3) and (4)] **PARAGRAPH (3)** of this
4 subsection, a person convicted of theft of property or services with a value of **AT LEAST**
5 **\$100 BUT** less than [~~\$1,000~~] **\$2,000**, is guilty of a misdemeanor and:

6 (i) is subject to imprisonment not exceeding [18] **12** months or a fine
7 not exceeding \$500 or both; and

8 (ii) shall restore the property taken to the owner or pay the owner
9 the value of the property or services.

10 (3) A person convicted of theft of property or services with a value of less
11 than \$100 is guilty of a misdemeanor and:

12 (i) is subject to imprisonment not exceeding 90 days or a fine not
13 exceeding \$500 or both; and

14 (ii) shall restore the property taken to the owner or pay the owner
15 the value of the property or services.

16 [(4) Subject to paragraph (5) of this subsection, a person who has two or
17 more prior convictions under this subtitle and who is convicted of theft of property or
18 services with a value of less than \$1,000 under paragraph (2) of this subsection is guilty of
19 a misdemeanor and:

20 (i) is subject to imprisonment not exceeding 5 years or a fine not
21 exceeding \$5,000 or both; and

22 (ii) shall restore the property taken to the owner or pay the owner
23 the value of the property or services.

24 (5) The court may not impose the penalties under paragraph (4) of this
25 subsection unless the State's Attorney serves notice on the defendant or the defendant's
26 counsel before the acceptance of a plea of guilty or nolo contendere or at least 15 days before
27 trial that:

28 (i) the State will seek the penalties under paragraph (4) of this
29 subsection; and

30 (ii) lists the alleged prior convictions.]

31 7-108.

1 (a) An indictment, information, warrant, or other charging document for theft
2 under this part, other than for taking a motor vehicle under § 7–105 of this part, is sufficient
3 if it substantially states:

4 “(name of defendant) on (date) in (county) stole (property or services stolen) of (name
5 of victim), having a value of (less than [\$1,000, at least \$1,000 but less than \$10,000, at
6 least \$10,000] **\$2,000, AT LEAST \$2,000 BUT LESS THAN \$25,000, AT LEAST \$25,000**
7 but less than \$100,000, or \$100,000 or more) in violation of § 7–104 of the Criminal Law
8 Article, against the peace, government, and dignity of the State.”.

9 (b) An indictment, information, warrant, or other charging document for theft
10 under this part for taking a motor vehicle under § 7–105 of this part is sufficient if it
11 substantially states:

12 “(name of defendant) on (date) in (county) knowingly and willfully took a motor
13 vehicle out of (name of victim)’s lawful custody, control, or use, without the consent of (name
14 of victim), in violation of § 7–105 of the Criminal Law Article, against the peace,
15 government, and dignity of the State.”.

16 (c) In a case in the circuit court in which the general form of indictment or
17 information is used to charge a defendant with a crime under this part, the defendant, on
18 timely demand, is entitled to a bill of particulars.

19 (d) Unless specifically charged by the State, theft of property or services with a
20 value of less than \$100 as provided under § 7–104(g)(3) of this subtitle may not be
21 considered a lesser included crime of any other crime.

22 8–106.

23 (a) (1) A person who obtains property or services with a value of at least
24 **[\$1,000] \$2,000** but less than **[\$10,000] \$25,000** by issuing or passing a check in violation
25 of § 8–103 of this subtitle is guilty of a felony and on conviction is subject to imprisonment
26 not exceeding **[10] 5** years or a fine not exceeding \$10,000 or both.

27 (2) A person who obtains property or services with a value of at least
28 **[\$10,000] \$25,000** but less than \$100,000 by issuing or passing a check in violation of §
29 8–103 of this subtitle is guilty of a felony and on conviction is subject to imprisonment not
30 exceeding **[15] 10** years or a fine not exceeding \$15,000 or both.

31 (3) A person who obtains property or services with a value of \$100,000 or
32 more by issuing or passing a check in violation of § 8–103 of this subtitle is guilty of a felony
33 and on conviction is subject to imprisonment not exceeding **[25] 20** years or a fine not
34 exceeding \$25,000 or both.

1 (b) A person who obtains property or services by issuing or passing more than one
2 check in violation of § 8–103 of this subtitle is guilty of a felony and on conviction is subject
3 to imprisonment not exceeding [10] **5** years or a fine not exceeding \$10,000 or both if:

4 (1) each check that is issued is for [less than \$1,000] **AT LEAST \$2,000**
5 **BUT LESS THAN \$25,000** and is issued to the same person within a 30–day period; and

6 (2) the cumulative value of the property or services is [\$1,000 or more] **AT**
7 **LEAST \$2,000 BUT LESS THAN \$25,000.**

8 (c) Except as provided in subsections (b) and (d) of this section, a person who
9 obtains property or services with a value of **AT LEAST \$100 BUT** less than [\$1,000] **\$2,000**
10 by issuing or passing a check in violation of § 8–103 of this subtitle is guilty of a
11 misdemeanor and on conviction is subject to imprisonment not exceeding [18] **12** months
12 or a fine not exceeding \$500 or both.

13 (d) (1) A person who obtains property or services with a value of less than \$100
14 by issuing or passing a check in violation of § 8–103 of this subtitle is guilty of a
15 misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine
16 not exceeding \$500 or both.

17 (2) It is not a defense to the crime of obtaining property or services with a
18 value of less than \$100 by issuing or passing a check in violation of § 8–103 of this subtitle
19 that the value of the property or services at issue is \$100 or more.

20 8–206.

21 (a) A person may not for the purpose of obtaining money, goods, services, or
22 anything of value, and with the intent to defraud another, use:

23 (1) a credit card obtained or retained in violation of § 8–204 or § 8–205 of
24 this subtitle; or

25 (2) a credit card that the person knows is counterfeit.

26 (b) A person may not, with the intent to defraud another, obtain money, goods,
27 services, or anything of value by representing:

28 (1) without the consent of the cardholder, that the person is the holder of a
29 specified credit card; or

30 (2) that the person is the holder of a credit card when the credit card had
31 not been issued.

32 (c) (1) (i) If the value of all money, goods, services, and other things of
33 value obtained in violation of this section is at least [\$1,000] **\$2,000** but less than [\$10,000]

1 **\$25,000**, a person who violates this section is guilty of a felony and on conviction is subject
2 to imprisonment not exceeding [10] **5** years or a fine not exceeding \$10,000 or both.

3 (ii) If the value of all money, goods, services, and other things of
4 value obtained in violation of this section is at least [\$10,000] **\$25,000** but less than
5 \$100,000, a person who violates this section is guilty of a felony and on conviction is subject
6 to imprisonment not exceeding [15] **10** years or a fine not exceeding \$15,000 or both.

7 (iii) If the value of all money, goods, services, and other things of
8 value obtained in violation of this section is \$100,000 or more, a person who violates this
9 section is guilty of a felony and on conviction is subject to imprisonment not exceeding [25]
10 **20** years or a fine not exceeding \$25,000 or both.

11 (2) Except as provided in paragraph (3) of this subsection, if the value of
12 all money, goods, services, and other things of value obtained in violation of this section is
13 **AT LEAST \$100 BUT** less than [\$1,000] **\$2,000**, a person who violates this section is guilty
14 of a misdemeanor and on conviction is subject to imprisonment not exceeding [18] **12**
15 months or a fine not exceeding \$500 or both.

16 (3) If the value of all money, goods, services, and other things of value
17 obtained in violation of this section [does not exceed] **IS LESS THAN** \$100, a person who
18 violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment
19 not exceeding 90 days or a fine not exceeding \$500 or both.

20 8–207.

21 (a) If a person is authorized by an issuer to furnish money, goods, services, or
22 anything of value on presentation of a credit card by the cardholder, the person or an agent
23 or employee of the person may not, with the intent to defraud the issuer or cardholder:

24 (1) furnish money, goods, services, or anything of value on presentation of:

25 (i) a credit card obtained or retained in violation of § 8–204 or §
26 8–205 of this subtitle; or

27 (ii) a credit card that the person knows is counterfeit; or

28 (2) fail to furnish money, goods, services, or anything of value that the
29 person represents in writing to the issuer that the person has furnished.

30 (b) (1) (i) If the value of all money, goods, services, and other things of
31 value furnished or not furnished in violation of this section is at least [\$1,000] **\$2,000** but
32 less than [\$10,000] **\$25,000**, a person who violates this section is guilty of a felony and on
33 conviction is subject to imprisonment not exceeding [10] **5** years or a fine not exceeding
34 \$10,000 or both.

1 (ii) If the value of all money, goods, services, and other things of
2 value furnished or not furnished in violation of this section is at least ~~[\$10,000]~~ **\$25,000**
3 but less than \$100,000, a person who violates this section is guilty of a felony and on
4 conviction is subject to imprisonment not exceeding ~~[15]~~ **10** years or a fine not exceeding
5 \$15,000 or both.

6 (iii) If the value of all money, goods, services, and other things of
7 value furnished or not furnished in violation of this section is \$100,000 or more, a person
8 who violates this section is guilty of a felony and on conviction is subject to imprisonment
9 not exceeding ~~[25]~~ **20** years or a fine not exceeding \$25,000 or both.

10 (2) Except as provided in paragraph (3) of this subsection, if the value of
11 all money, goods, services, and other things of value furnished or not furnished in violation
12 of this section is **AT LEAST \$100 BUT** less than ~~[\$1,000]~~ **\$2,000**, a person who violates this
13 section is guilty of a misdemeanor and on conviction is subject to imprisonment not
14 exceeding ~~[18]~~ **12** months or a fine not exceeding \$500 or both.

15 (3) If the value of all money, goods, services, and other things of value
16 furnished or not furnished in violation of this section ~~[does not exceed]~~ **IS LESS THAN** \$100,
17 a person who violates this section is guilty of a misdemeanor and on conviction is subject
18 to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.

19 8–209.

20 (a) A person may not receive money, goods, services, or anything of value if the
21 person knows or believes that the money, goods, services, or other thing of value was
22 obtained in violation of § 8–206 of this subtitle.

23 (b) (1) (i) If the value of all money, goods, services, and other things of
24 value obtained in violation of this section is at least ~~[\$1,000]~~ **\$2,000** but less than ~~[\$10,000]~~
25 **\$25,000**, a person who violates this section is guilty of a felony and on conviction is subject
26 to imprisonment not exceeding ~~[10]~~ **5** years or a fine not exceeding \$10,000 or both.

27 (ii) If the value of all money, goods, services, and other things of
28 value obtained in violation of this section is at least ~~[\$10,000]~~ **\$25,000** but less than
29 \$100,000, a person who violates this section is guilty of a felony and on conviction is subject
30 to imprisonment not exceeding ~~[15]~~ **10** years or a fine not exceeding \$15,000 or both.

31 (iii) If the value of all money, goods, services, and other things of
32 value obtained in violation of this section is \$100,000 or more, a person who violates this
33 section is guilty of a felony and on conviction is subject to imprisonment not exceeding ~~[25]~~
34 **20** years or a fine not exceeding \$25,000 or both.

35 (2) Except as provided in paragraph (3) of this subsection, if the value of
36 all money, goods, services, and other things of value obtained in violation of this section is
37 **AT LEAST \$100 BUT** less than ~~[\$1,000]~~ **\$2,000**, a person who violates this section is guilty

1 of a misdemeanor and on conviction is subject to imprisonment not exceeding [18] 12
2 months or a fine not exceeding \$500 or both.

3 (3) If the value of all money, goods, services, and other things of value
4 obtained in violation of this section [does not exceed] **IS LESS THAN** \$100, a person who
5 violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment
6 not exceeding 90 days or a fine not exceeding \$500 or both.

7 8–301.

8 (a) (1) In this section the following words have the meanings indicated.

9 (2) “Health care” means care, services, or supplies related to the health of
10 an individual that includes the following:

11 (i) preventative, diagnostic, therapeutic, rehabilitative,
12 maintenance care, palliative care and counseling, service assessment, or procedure:

13 1. with respect to the physical or mental condition or
14 functional status of an individual; or

15 2. that affects the structure or function of the body; and

16 (ii) the sale or dispensing of a drug, device, equipment, or other item
17 in accordance with a prescription.

18 (3) “Health information” means any information, whether oral or recorded
19 in any form or medium, that:

20 (i) is created or received by:

21 1. a health care provider;

22 2. a health care carrier;

23 3. a public health authority;

24 4. an employer;

25 5. a life insurer;

26 6. a school or university; or

27 7. a health care clearinghouse; and

28 (ii) relates to the:

- 1 1. past, present, or future physical or mental health or
2 condition of an individual;
- 3 2. provision of health care to an individual; or
- 4 3. past, present, or future payment for the provision of health
5 care to an individual.

6 (4) “Interactive computer service” means an information service, system,
7 or access software provider that provides or enables computer access by multiple users to
8 a computer server, including a system that provides access to the Internet and cellular
9 phones.

10 (5) “Payment device number” has the meaning stated in § 8–213 of this
11 title.

12 (6) (i) “Personal identifying information” includes a name, address,
13 telephone number, driver’s license number, Social Security number, place of employment,
14 employee identification number, health insurance identification number, medical
15 identification number, mother’s maiden name, bank or other financial institution account
16 number, date of birth, personal identification number, unique biometric data, including
17 fingerprint, voice print, retina or iris image or other unique physical representation, digital
18 signature, credit card number, or other payment device number.

19 (ii) “Personal identifying information” may be derived from any
20 element in subparagraph (i) of this paragraph, alone or in conjunction with any other
21 information to identify a specific natural or fictitious individual.

22 (7) “Re–encoder” means an electronic device that places encoded personal
23 identifying information or a payment device number from the magnetic strip or stripe of a
24 credit card onto the magnetic strip or stripe of a different credit card or any electronic
25 medium that allows such a transaction to occur.

26 (8) “Skimming device” means a scanner, skimmer, reader, or any other
27 electronic device that is used to access, read, scan, obtain, memorize, or store, temporarily
28 or permanently, personal identifying information or a payment device number encoded on
29 the magnetic strip or stripe of a credit card.

30 (b) A person may not knowingly, willfully, and with fraudulent intent possess,
31 obtain, or help another to possess or obtain any personal identifying information of an
32 individual, without the consent of the individual, in order to use, sell, or transfer the
33 information to get a benefit, credit, good, service, or other thing of value or to access health
34 information or health care.

35 (b–1) A person may not maliciously use an interactive computer service to disclose
36 or assist another person to disclose the driver’s license number, bank or other financial
37 institution account number, credit card number, payment device number, Social Security

1 number, or employee identification number of an individual, without the consent of the
2 individual, in order to annoy, threaten, embarrass, or harass the individual.

3 (c) A person may not knowingly and willfully assume the identity of another,
4 including a fictitious person:

5 (1) to avoid identification, apprehension, or prosecution for a crime; or

6 (2) with fraudulent intent to:

7 (i) get a benefit, credit, good, service, or other thing of value;

8 (ii) access health information or health care; or

9 (iii) avoid the payment of debt or other legal obligation.

10 (d) A person may not knowingly, willfully, and with fraudulent intent to obtain a
11 benefit, credit, good, service, or other thing of value or to access health information or health
12 care, use:

13 (1) a re-encoder to place information encoded on the magnetic strip or
14 stripe of a credit card onto the magnetic strip or stripe of a different credit card or use any
15 other electronic medium that allows such a transaction to occur without the consent of the
16 individual authorized to use the credit card from which the personal identifying
17 information or payment device number is being re-encoded; or

18 (2) a skimming device to access, read, scan, obtain, memorize, or store
19 personal identifying information or a payment device number on the magnetic strip or
20 stripe of a credit card without the consent of the individual authorized to use the credit
21 card.

22 (e) A person may not knowingly, willfully, and with fraudulent intent possess,
23 obtain, or help another possess or obtain a re-encoder device or a skimming device for the
24 unauthorized use, sale, or transfer of personal identifying information or a payment device
25 number.

26 (f) A person may not knowingly and willfully claim to represent another person
27 without the knowledge and consent of that person, with the intent to solicit, request, or
28 take any other action to otherwise induce another person to provide personal identifying
29 information or a payment device number.

30 (g) (1) (i) A person who violates this section where the benefit, credit, good,
31 service, health information or health care, or other thing of value that is the subject of
32 subsection (b), (c), or (d) of this section has a value of at least ~~[\$1,000]~~ **\$2,000** but less than
33 ~~[\$10,000]~~ **\$25,000** is guilty of a felony and on conviction is subject to imprisonment not
34 exceeding ~~[10]~~ **5** years or a fine not exceeding \$10,000 or both.

1 (ii) A person who violates this section where the benefit, credit, good,
2 service, or other thing of value that is the subject of subsection (b), (c), or (d) of this section
3 has a value of at least [~~\$10,000~~] **\$25,000** but less than \$100,000 is guilty of a felony and
4 on conviction is subject to imprisonment not exceeding [~~15~~] **10** years or a fine not exceeding
5 \$15,000 or both.

6 (iii) A person who violates this section where the benefit, credit, good,
7 service, or other thing of value that is the subject of subsection (b), (c), or (d) of this section
8 has a value of \$100,000 or more is guilty of a felony and on conviction is subject to
9 imprisonment not exceeding [~~25~~] **20** years or a fine not exceeding \$25,000 or both.

10 (2) A person who violates this section where the benefit, credit, good,
11 service, health information or health care, or other thing of value that is the subject of
12 subsection (b), (c), or (d) of this section has a value of **AT LEAST \$100 BUT** less than
13 [~~\$1,000~~] **\$2,000** is guilty of a misdemeanor and on conviction is subject to imprisonment
14 not exceeding [~~18~~] **12** months or a fine not exceeding \$500 or both.

15 (3) A person who violates this section under circumstances that reasonably
16 indicate that the person's intent was to manufacture, distribute, or dispense another
17 individual's personal identifying information without that individual's consent is guilty of
18 a felony and on conviction is subject to imprisonment not exceeding [~~15~~] **10** years or a fine
19 not exceeding \$25,000 or both.

20 (4) A person who violates subsection (b-1), (c)(1), (e), or (f) of this section is
21 guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding [~~18~~]
22 **12** months or a fine not exceeding \$500 or both.

23 (5) When the violation of this section is pursuant to one scheme or
24 continuing course of conduct, whether from the same or several sources, the conduct may
25 be considered as one violation and the value of the benefit, credit, good, service, or other
26 thing of value may be aggregated in determining whether the violation is a felony or
27 misdemeanor.

28 8-516.

29 (a) If a violation of this part results in the death of an individual, a person who
30 violates a provision of this part is guilty of a felony and on conviction is subject to
31 imprisonment not exceeding life or a fine not exceeding \$200,000 or both.

32 (b) If a violation of this part results in serious injury to an individual, a person
33 who violates a provision of this part is guilty of a felony and on conviction is subject to
34 imprisonment not exceeding 20 years or a fine not exceeding \$100,000 or both.

35 (c) If the value of the money, health care services, or other goods or services
36 involved is [~~\$1,000~~] **\$2,000** or more in the aggregate, a person who violates a provision of

1 this part is guilty of a felony and on conviction is subject to imprisonment not exceeding 5
2 years or a fine not exceeding \$100,000 or both.

3 (d) A person who violates any other provision of this part is guilty of a
4 misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine
5 not exceeding \$50,000 or both.

6 (e) (1) In this subsection, “business entity” includes an association, firm,
7 institution, partnership, and corporation.

8 (2) A business entity that violates a provision of this part is subject to a
9 fine not exceeding:

10 (i) \$250,000 for each felony; and

11 (ii) \$100,000 for each misdemeanor.

12 8–611.

13 (a) (1) In this section the following words have the meanings indicated.

14 (2) “Counterfeit mark” means:

15 (i) an unauthorized copy of intellectual property; or

16 (ii) intellectual property affixed to goods knowingly sold, offered for
17 sale, manufactured, or distributed, to identify services offered or rendered, without the
18 authority of the owner of the intellectual property.

19 (3) “Intellectual property” means a trademark, service mark, trade name,
20 label, term, device, design, or word adopted or used by a person to identify the goods or
21 services of the person.

22 (4) “Retail value” means:

23 (i) a trademark counterfeiter’s selling price for the goods or services
24 that bear or are identified by the counterfeit mark; or

25 (ii) a trademark counterfeiter’s selling price of the finished product,
26 if the goods that bear a counterfeit mark are components of the finished product.

27 (5) “Trademark counterfeiter” means a person who commits the crime of
28 trademark counterfeiting prohibited by this section.

29 (b) A person may not willfully manufacture, produce, display, advertise,
30 distribute, offer for sale, sell, or possess with the intent to sell or distribute goods or services
31 that the person knows are bearing or are identified by a counterfeit mark.

1 (c) If the aggregate retail value of the goods or services is ~~[\$1,000]~~ **\$2,000** or
2 more, a person who violates this section is guilty of the felony of trademark counterfeiting
3 and on conviction:

4 (1) is subject to imprisonment not exceeding ~~[15]~~ **10** years or a fine not
5 exceeding \$10,000 or both; and

6 (2) shall transfer all of the goods to the owner of the intellectual property.

7 (d) If the aggregate retail value of the goods or services is less than ~~[\$1,000]~~
8 **\$2,000**, a person who violates this section is guilty of the misdemeanor of trademark
9 counterfeiting and on conviction:

10 (1) is subject to[:

11 (i) for a first violation,] imprisonment not exceeding ~~[18]~~ **12** months
12 or a fine not exceeding \$1,000 or both[; or

13 (ii) for each subsequent violation, imprisonment not exceeding 18
14 months or a fine not exceeding \$5,000 or both]; and

15 (2) shall transfer all of the goods to the owner of the intellectual property.

16 (e) An action or prosecution for trademark counterfeiting in which the aggregate
17 retail value of the goods or services is less than ~~[\$1,000]~~ **\$2,000** shall be commenced within
18 2 years after the commission of the crime.

19 (f) Any goods bearing a counterfeit mark are subject to seizure by a law
20 enforcement officer to preserve the goods for transfer to the owner of the intellectual
21 property either:

22 (1) under an agreement with the person alleged to have committed the
23 crime; or

24 (2) after a conviction under this section.

25 (g) State or federal registration of intellectual property is prima facie evidence
26 that the intellectual property is a trademark or trade name.

27 8–801.

28 (a) (1) In this section the following words have the meanings indicated.

29 (2) “Deception” has the meaning stated in § 7–101 of this article.

1 (3) “Deprive” has the meaning stated in § 7–101 of this article.

2 (4) “Obtain” has the meaning stated in § 7–101 of this article.

3 (5) “Property” has the meaning stated in § 7–101 of this article.

4 (6) (i) “Undue influence” means domination and influence amounting
5 to force and coercion exercised by another person to such an extent that a vulnerable adult
6 or an individual at least 68 years old was prevented from exercising free judgment and
7 choice.

8 (ii) “Undue influence” does not include the normal influence that one
9 member of a family has over another member of the family.

10 (7) “Value” has the meaning stated in § 7–103 of this article.

11 (8) “Vulnerable adult” has the meaning stated in § 3–604 of this article.

12 (b) (1) A person may not knowingly and willfully obtain by deception,
13 intimidation, or undue influence the property of an individual that the person knows or
14 reasonably should know is a vulnerable adult with intent to deprive the vulnerable adult
15 of the vulnerable adult’s property.

16 (2) A person may not knowingly and willfully obtain by deception,
17 intimidation, or undue influence the property of an individual that the person knows or
18 reasonably should know is at least 68 years old, with intent to deprive the individual of the
19 individual’s property.

20 (c) (1) (i) A person convicted of a violation of this section when the value of
21 the property is at least ~~[\$1,000]~~ **\$2,000** but less than ~~[\$10,000]~~ **\$25,000** is guilty of a felony
22 and:

23 1. is subject to imprisonment not exceeding ~~[10]~~ **5** years or a
24 fine not exceeding \$10,000 or both; and

25 2. shall restore the property taken or its value to the owner,
26 or, if the owner is deceased, restore the property or its value to the owner’s estate.

27 (ii) A person convicted of a violation of this section when the value of
28 the property is at least ~~[\$10,000]~~ **\$25,000** but less than \$100,000 is guilty of a felony and:

29 1. is subject to imprisonment not exceeding ~~[15]~~ **10** years or
30 a fine not exceeding \$15,000 or both; and

31 2. shall restore the property taken or its value to the owner,
32 or, if the owner is deceased, restore the property or its value to the owner’s estate.

1 (iii) A person convicted of a violation of this section when the value of
2 the property is \$100,000 or more is guilty of a felony and:

3 1. is subject to imprisonment not exceeding [25] **20** years or
4 a fine not exceeding \$25,000 or both; and

5 2. shall restore the property taken or its value to the owner,
6 or, if the owner is deceased, restore the property or its value to the owner's estate.

7 (2) A person convicted of a violation of this section when the value of the
8 property is less than [~~\$1,000~~] **\$2,000** is guilty of a misdemeanor and:

9 (i) is subject to imprisonment not exceeding [18] **12** months or a fine
10 not exceeding \$500 or both; and

11 (ii) shall restore the property taken or its value to the owner, or, if
12 the owner is deceased, restore the property or its value to the owner's estate.

13 14–101.

14 (a) In this section, “crime of violence” means:

15 (1) abduction;

16 (2) arson in the first degree;

17 (3) kidnapping;

18 (4) manslaughter, except involuntary manslaughter;

19 (5) mayhem;

20 (6) maiming, as previously proscribed under former Article 27, §§ 385 and
21 386 of the Code;

22 (7) murder;

23 (8) rape;

24 (9) robbery under § 3–402 or § 3–403 of this article;

25 (10) carjacking;

26 (11) armed carjacking;

27 (12) sexual offense in the first degree;

- 1 (13) sexual offense in the second degree;
- 2 (14) use of a handgun in the commission of a felony or other crime of
3 violence;
- 4 (15) child abuse in the first degree under § 3–601 of this article;
- 5 (16) sexual abuse of a minor under § 3–602 of this article if:
- 6 (i) the victim is under the age of 13 years and the offender is an
7 adult at the time of the offense; and
- 8 (ii) the offense involved:
- 9 1. vaginal intercourse, as defined in § 3–301 of this article;
- 10 2. a sexual act, as defined in § 3–301 of this article;
- 11 3. an act in which a part of the offender’s body penetrates,
12 however slightly, into the victim’s genital opening or anus; or
- 13 4. the intentional touching, not through the clothing, of the
14 victim’s or the offender’s genital, anal, or other intimate area for sexual arousal,
15 gratification, or abuse;
- 16 (17) an attempt to commit any of the crimes described in items (1) through
17 (16) of this subsection;
- 18 (18) continuing course of conduct with a child under § 3–315 of this article;
- 19 (19) assault in the first degree;
- 20 (20) assault with intent to murder;
- 21 (21) assault with intent to rape;
- 22 (22) assault with intent to rob;
- 23 (23) assault with intent to commit a sexual offense in the first degree; and
- 24 (24) assault with intent to commit a sexual offense in the second degree.
- 25 (b) (1) Except as provided in subsection (f) of this section, on conviction for a
26 fourth time of a crime of violence, a person who has served three separate terms of
27 confinement in a correctional facility as a result of three separate convictions of any crime
28 of violence shall be sentenced to life imprisonment without the possibility of parole.

1 (2) Notwithstanding any other law, the provisions of this subsection are
2 mandatory.

3 (c) (1) Except as provided in subsection (f) of this section, on conviction for a
4 third time of a crime of violence, a person shall be sentenced to imprisonment for the term
5 allowed by law but not less than 25 years, if the person:

6 (i) has been convicted of a crime of violence on two prior separate
7 occasions:

8 1. in which the second or succeeding crime is committed after
9 there has been a charging document filed for the preceding occasion; and

10 2. for which the convictions do not arise from a single
11 incident; and

12 (ii) has served at least one term of confinement in a correctional
13 facility as a result of a conviction of a crime of violence.

14 (2) The court may not suspend all or part of the mandatory 25-year
15 sentence required under this subsection.

16 (3) A person sentenced under this subsection is not eligible for parole
17 except in accordance with the provisions of § 4-305 of the Correctional Services Article.

18 (d) (1) On conviction for a second time of a crime of violence committed on or
19 after October 1, 1994, a person shall be sentenced to imprisonment for the term allowed by
20 law, but not less than 10 years, if the person:

21 (i) has been convicted on a prior occasion of a crime of violence,
22 including a conviction for a crime committed before October 1, 1994; and

23 (ii) served a term of confinement in a correctional facility for that
24 conviction.

25 (2) The court may not suspend all or part of the mandatory 10-year
26 sentence required under this subsection.

27 (e) If the State intends to proceed against a person as a subsequent offender
28 under this section, it shall comply with the procedures set forth in the Maryland Rules for
29 the indictment and trial of a subsequent offender.

30 (f) (1) **THIS SUBSECTION DOES NOT APPLY TO A PERSON REGISTERED OR**
31 **ELIGIBLE FOR REGISTRATION UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL**
32 **PROCEDURE ARTICLE.**

1 (iv) categorize information on the number of reconsiderations of
2 sentences by crimes as listed in § 14–101(a) of the Criminal Law Article and by judicial
3 circuit; AND

4 (V) REVIEW JUDICIAL COMPLIANCE WITH THE GUIDELINES FOR
5 SUSPENDED SENTENCES ESTABLISHED UNDER PARAGRAPH (3) OF THIS
6 SUBSECTION.

7 (2) The Commission shall consider a sentence to a corrections options
8 program to be within the sentencing guidelines if the sentence falls within a corrections
9 options zone shown on the matrix.

10 (3) THE COMMISSION SHALL INCLUDE A SUSPENDED PORTION OF A
11 SENTENCE IN THE DETERMINATION OF WHETHER A SENTENCE IS COMPLIANT WITH
12 THE SENTENCING GUIDELINES.

13 6–223.

14 (a) A circuit court or the District Court may end the period of probation at any
15 time.

16 (b) On receipt of written charges, filed under oath, that a probationer or
17 defendant violated a condition of probation during the period of probation, the District
18 Court may, during the period of probation or within 30 days after the violation, whichever
19 is later, issue a warrant or notice requiring the probationer or defendant to be brought or
20 appear before the judge issuing the warrant or notice:

21 (1) to answer the charge of violation of a condition of probation or of
22 suspension of sentence; and

23 (2) to be present for the setting of a timely hearing date for that charge.

24 (c) Pending the hearing or determination of the charge, a circuit court or the
25 District Court may remand the probationer or defendant to a correctional facility or release
26 the probationer or defendant with or without bail.

27 (d) If, at the hearing, a circuit court or the District Court finds that the
28 probationer or defendant has violated a condition of probation, the court may:

29 (1) revoke the probation granted or the suspension of sentence; and

30 (2) (I) FOR A TECHNICAL VIOLATION, IMPOSE A PERIOD OF
31 INCARCERATION OF:

32 1. NOT MORE THAN 15 DAYS FOR A FIRST TECHNICAL
33 VIOLATION;

1 (1) The defendant did not timely file a motion for reconsideration under
2 Maryland Rule 4–345; or

3 (2) The defendant timely filed a motion for reconsideration under
4 Maryland Rule 4–345 which was denied by the court.

5 (b) Before a court commits a defendant to the Department under this section, the
6 court shall:

7 (1) Offer the defendant the opportunity to receive treatment;

8 (2) Obtain the written consent of the defendant:

9 (i) To receive treatment; and

10 (ii) To have information reported back to the court;

11 (3) Order an evaluation of the defendant under § 8–505 or § 8–506 of this
12 subtitle;

13 (4) Consider the report on the defendant’s evaluation; and

14 (5) Find that the treatment that the Department recommends to be
15 appropriate and necessary.

16 (c) Immediately on receiving an order for treatment under this section, the
17 Department shall order a report of all pending cases, warrants, and detainers for the
18 defendant and forward a copy of the report to the court, the defendant, and the defendant’s
19 last attorney of record.

20 (d) (1) The Department shall provide the services required by this section.

21 (2) A designee of the Department may carry out any of the Department’s
22 duties under this section if appropriate funding is provided.

23 (e) (1) A court may not order that the defendant be delivered for treatment
24 until:

25 (i) The Department gives the court notice that an appropriate
26 treatment program is able to begin treatment of the defendant;

27 (ii) Any detainer based on an untried indictment, information,
28 warrant, or complaint for the defendant has been removed; and

29 (iii) Any sentence of incarceration for the defendant is no longer in
30 effect.

1 (2) The Department shall facilitate [the prompt] treatment of a defendant
2 **WITHOUT UNNECESSARY DELAY AND IN NO EVENT LATER THAN 30 DAYS FROM THE**
3 **ORDER.**

4 **(3) IF A DEFENDANT WHO HAS BEEN COMMITTED FOR TREATMENT**
5 **UNDER THIS SECTION IS NOT PLACED IN TREATMENT WITHIN 30 DAYS OF THE**
6 **ORDER, THE COURT MAY ORDER THE DEPARTMENT TO APPEAR TO EXPLAIN THE**
7 **REASON FOR THE LACK OF PLACEMENT.**

8 (f) For a defendant committed for treatment under this section, a court shall
9 order supervision of the defendant:

10 (1) By an appropriate pretrial release agency, if the defendant is released
11 pending trial;

12 (2) By the Division of Parole and Probation under appropriate conditions
13 in accordance with §§ 6–219 through 6–225 of the Criminal Procedure Article and Maryland
14 Rule 4–345, if the defendant is released on probation; or

15 (3) By the Department, if the defendant remains in the custody of a local
16 correctional facility.

17 (g) A court may order law enforcement officials, detention center staff,
18 Department of Public Safety and Correctional Services staff, or sheriff's department staff
19 within the appropriate local jurisdiction to transport a defendant to and from treatment
20 under this section.

21 (h) The Department shall promptly report to a court a defendant's withdrawal of
22 consent to treatment and have the defendant returned to the court within 7 days for further
23 proceedings.

24 (i) A defendant who is committed for treatment under this section may question
25 at any time the legality of the commitment by a petition for a writ of habeas corpus.

26 (j) (1) A commitment under this section shall be for at least 72 hours and not
27 more than 1 year.

28 (2) On good cause shown by the Department, the court, or the State, the
29 court may extend the time period for providing the necessary treatment services in
30 increments of 6 months.

31 (3) Except during the first 72 hours after admission of a defendant to a
32 treatment program, the Department may terminate the treatment if the Department
33 determines that:

1 (i) Continued treatment is not in the best interest of the defendant;
2 or

3 (ii) The defendant is no longer amenable to treatment.

4 (k) When a defendant is to be released from treatment under this section, the
5 Department shall notify the court that ordered the treatment.

6 (l) (1) If a defendant leaves treatment without authorization, the
7 responsibility of the Department is limited to the notification of the court that ordered the
8 defendant's treatment as soon as it is reasonably possible.

9 (2) Notice under this subsection shall constitute probable cause for a court
10 to issue a warrant for the arrest of a defendant.

11 (m) Nothing in this section imposes any obligation on the Department:

12 (1) To treat any defendant who knowingly and willfully declines to consent
13 to further treatment; or

14 (2) In reporting to the court under this section, to include an assessment of
15 a defendant's dangerousness to one's self, to another individual, or to the property of
16 another individual by virtue of a drug or alcohol problem.

17 (n) Time during which a defendant is held under this section for inpatient
18 evaluation or inpatient or residential treatment shall be credited against any sentence
19 imposed by the court that ordered the evaluation or treatment.

20 (o) This section may not be construed to limit a court's authority to order drug
21 treatment in lieu of incarceration under Title 5 of the Criminal Law Article.

22 Article – State Finance and Procurement

23 6–226.

24 (a) (2) (i) Notwithstanding any other provision of law, and unless
25 inconsistent with a federal law, grant agreement, or other federal requirement or with the
26 terms of a gift or settlement agreement, net interest on all State money allocated by the
27 State Treasurer under this section to special funds or accounts, and otherwise entitled to
28 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
29 Fund of the State.

30 (ii) The provisions of subparagraph (i) of this paragraph do not apply
31 to the following funds:

32 84. the Economic Development Marketing Fund; [and]

1 85. the Military Personnel and Veteran–Owned Small
2 Business No–Interest Loan Fund; AND

3 86. THE PERFORMANCE INCENTIVE COUNTY GRANT
4 FUND.

5 Article – State Government

6 SUBTITLE 32. JUSTICE REINVESTMENT OVERSIGHT BOARD.

7 9–3201.

8 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
9 INDICATED.

10 (B) “BOARD” MEANS THE JUSTICE REINVESTMENT OVERSIGHT BOARD.

11 (C) “EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF THE
12 GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION.

13 (D) “FUND” MEANS THE PERFORMANCE INCENTIVE COUNTY GRANT FUND
14 ESTABLISHED IN § 9–3209 OF THIS SUBTITLE.

15 9–3202.

16 THERE IS A JUSTICE REINVESTMENT OVERSIGHT BOARD IN THE
17 GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION.

18 9–3203.

19 (A) THE BOARD CONSISTS OF THE FOLLOWING MEMBERS:

20 (1) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE
21 PRESIDENT OF THE SENATE;

22 (2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE
23 SPEAKER OF THE HOUSE;

24 (3) THE EXECUTIVE DIRECTOR, OR THE EXECUTIVE DIRECTOR’S
25 DESIGNEE;

26 (4) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL
27 SERVICES, OR THE SECRETARY’S DESIGNEE;

1 **(5) THE CHAIR OF THE MARYLAND PAROLE COMMISSION, OR THE**
2 **CHAIR'S DESIGNEE;**

3 **(6) THE SECRETARY OF STATE POLICE, OR THE SECRETARY'S**
4 **DESIGNEE;**

5 **(7) THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL'S**
6 **DESIGNEE;**

7 **(8) THE PUBLIC DEFENDER, OR THE PUBLIC DEFENDER'S**
8 **DESIGNEE;**

9 **(9) THE SECRETARY OF BUDGET AND MANAGEMENT, OR THE**
10 **SECRETARY'S DESIGNEE;**

11 **(10) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE**
12 **SECRETARY'S DESIGNEE;**

13 **(11) THE CHAIR OF THE LOCAL GOVERNMENT JUSTICE**
14 **REINVESTMENT COMMISSION, OR THE CHAIR'S DESIGNEE;**

15 **(12) ONE MEMBER APPOINTED BY THE CHIEF JUDGE OF THE COURT**
16 **OF APPEALS;**

17 **(13) ONE MEMBER APPOINTED BY THE CHIEF JUDGE OF THE DISTRICT**
18 **COURT OF MARYLAND; AND**

19 **(14) THE FOLLOWING INDIVIDUALS, APPOINTED BY THE GOVERNOR**
20 **WITH THE ADVICE AND CONSENT OF THE SENATE:**

21 **(I) ONE MEMBER REPRESENTING VICTIMS OF CRIME;**

22 **(II) ONE MEMBER REPRESENTING THE MARYLAND STATE'S**
23 **ATTORNEYS' ASSOCIATION;**

24 **(III) ONE MEMBER REPRESENTING LAW ENFORCEMENT; AND**

25 **(IV) ONE MEMBER REPRESENTING THE MARYLAND**
26 **CORRECTIONAL ADMINISTRATORS ASSOCIATION.**

27 **(B) TO THE EXTENT PRACTICABLE, IN MAKING APPOINTMENTS UNDER THIS**
28 **SECTION, THE GOVERNOR SHALL ENSURE GEOGRAPHIC DIVERSITY AMONG THE**
29 **MEMBERSHIP OF THE BOARD.**

1 **(C) (1) THE TERM OF AN APPOINTED MEMBER OF THE BOARD IS 4 YEARS.**

2 **(2) THE TERMS OF THE APPOINTED MEMBERS OF THE BOARD ARE**
3 **STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD**
4 **ON OCTOBER 1, 2016.**

5 **(3) AT THE END OF A TERM, AN APPOINTED MEMBER:**

6 **(I) IS ELIGIBLE FOR REAPPOINTMENT; AND**

7 **(II) CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED**
8 **AND QUALIFIES.**

9 **(4) A MEMBER WHO IS APPOINTED OR REAPPOINTED AFTER A TERM**
10 **HAS BEGUN SERVES ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A**
11 **SUCCESSOR IS APPOINTED AND QUALIFIES.**

12 **9-3204.**

13 **(A) THE EXECUTIVE DIRECTOR IS THE CHAIR OF THE BOARD.**

14 **(B) WITH THE APPROVAL OF THE BOARD, THE CHAIR MAY APPOINT A VICE**
15 **CHAIR WHO SHALL HAVE THE DUTIES ASSIGNED BY THE CHAIR.**

16 **9-3205.**

17 **(A) A MAJORITY OF THE AUTHORIZED MEMBERSHIP OF THE BOARD IS A**
18 **QUORUM.**

19 **(B) THE BOARD SHALL MEET AT LEAST TWICE EACH YEAR AT THE TIMES**
20 **AND PLACES DETERMINED BY THE BOARD OR THE CHAIR OF THE BOARD.**

21 **(C) A MEMBER OF THE BOARD:**

22 **(1) MAY NOT RECEIVE COMPENSATION FOR SERVICE ON THE BOARD;**
23 **BUT**

24 **(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE**
25 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

26 **9-3206.**

1 THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL
2 PROVIDE STAFF FOR THE BOARD.

3 9-3207.

4 (A) THE BOARD SHALL:

5 (1) MONITOR PROGRESS AND COMPLIANCE WITH THE
6 IMPLEMENTATION OF THE RECOMMENDATIONS OF THE JUSTICE REINVESTMENT
7 COORDINATING COUNCIL;

8 (2) CONSIDER THE RECOMMENDATIONS OF THE LOCAL
9 GOVERNMENT REINVESTMENT COMMISSION AND ANY LEGISLATION,
10 REGULATIONS, RULES, BUDGETARY CHANGES, OR OTHER ACTIONS TAKEN TO
11 IMPLEMENT THE RECOMMENDATIONS OF THE JUSTICE REINVESTMENT
12 COORDINATING COUNCIL;

13 (3) MAKE ADDITIONAL LEGISLATIVE AND BUDGETARY
14 RECOMMENDATIONS FOR FUTURE DATA-DRIVEN, FISCALLY SOUND CRIMINAL
15 JUSTICE POLICY CHANGES;

16 (4) COLLECT AND ANALYZE THE DATA SUBMITTED UNDER § 9-3208
17 OF THIS SUBTITLE REGARDING PRETRIAL DETAINEES;

18 (5) IN COLLABORATION WITH THE DEPARTMENT OF PUBLIC SAFETY
19 AND CORRECTIONAL SERVICES, THE MARYLAND PAROLE COMMISSION, THE
20 ADMINISTRATIVE OFFICE OF THE COURTS, AND THE MARYLAND STATE
21 COMMISSION ON CRIMINAL SENTENCING POLICY, CREATE PERFORMANCE
22 MEASURES TO TRACK AND ASSESS THE OUTCOMES OF THE LAWS RELATED TO THE
23 RECOMMENDATIONS OF THE JUSTICE REINVESTMENT COORDINATING COUNCIL;

24 (6) CREATE PERFORMANCE MEASURES TO ASSESS THE
25 EFFECTIVENESS OF THE GRANTS ADMINISTERED UNDER § 9-3209 OF THIS
26 SUBTITLE; AND

27 (7) CONSULT AND COORDINATE WITH:

28 (I) THE LOCAL GOVERNMENT JUSTICE REINVESTMENT
29 COMMISSION; AND

30 (II) OTHER UNITS OF THE STATE AND LOCAL JURISDICTIONS
31 CONCERNING JUSTICE REINVESTMENT ISSUES.

1 **(B) THE BOARD MAY ENTER INTO AN AGREEMENT WITH THE MARYLAND**
2 **DATA ANALYSIS CENTER AT THE UNIVERSITY OF MARYLAND OR ANOTHER SIMILAR**
3 **ENTITY THAT IS QUALIFIED TO COLLECT AND INTERPRET DATA IN ORDER TO ASSIST**
4 **THE BOARD WITH ITS DUTIES.**

5 **9-3208.**

6 **(A) SEMIANNUALLY, EACH COUNTY, THE DEPARTMENT OF PUBLIC SAFETY**
7 **AND CORRECTIONAL SERVICES, THE MARYLAND PAROLE COMMISSION, THE**
8 **ADMINISTRATIVE OFFICE OF THE COURTS, AND THE MARYLAND STATE**
9 **COMMISSION ON CRIMINAL SENTENCING POLICY SHALL COLLECT AND REPORT**
10 **DATA TO THE BOARD IN ORDER FOR THE BOARD TO PERFORM ITS DUTIES UNDER §**
11 **9-3207 OF THIS SUBTITLE, INCLUDING DATA RELATING TO:**

12 **(1) THE ADMISSION OF INMATES TO STATE AND LOCAL**
13 **CORRECTIONAL FACILITIES;**

14 **(2) THE LENGTH OF INMATE SENTENCES;**

15 **(3) THE LENGTH OF TIME BEING SERVED BY INMATES;**

16 **(4) RECIDIVISM;**

17 **(5) THE POPULATION OF COMMUNITY SUPERVISION; AND**

18 **(6) INFORMATION ABOUT THE INMATE POPULATION.**

19 **(B) ON OR BEFORE MARCH 31 EACH YEAR, EACH COUNTY, THE DIVISION OF**
20 **PRETRIAL DETENTION AND SERVICES, AND THE ADMINISTRATIVE OFFICE OF THE**
21 **COURTS SHALL REPORT TO THE BOARD THE FOLLOWING INFORMATION FOR THE**
22 **PRIOR CALENDAR YEAR REGARDING INDIVIDUALS HELD IN PRETRIAL DETENTION:**

23 **(1) THE NUMBER OF INDIVIDUALS DETAINED PRETRIAL ON THE SAME**
24 **DAY EACH YEAR;**

25 **(2) THE MEAN AND MEDIAN DAYS INDIVIDUALS WERE DETAINED IN**
26 **PRETRIAL DETENTION;**

27 **(3) THE CHARGES UNDER WHICH INDIVIDUALS WERE DETAINED IN**
28 **PRETRIAL DETENTION;**

29 **(4) THE REASONS WHY INDIVIDUALS WERE UNABLE TO SECURE**
30 **RELEASE;**

1 **(5) THE NUMBER OF INDIVIDUALS WHO WERE RELEASED DURING THE**
2 **PRETRIAL PERIOD; AND**

3 **(6) THE DISPOSITION OF EACH CASE.**

4 **9-3209.**

5 **(A) THERE IS A PERFORMANCE INCENTIVE COUNTY GRANT FUND.**

6 **(B) (1) THE PURPOSE OF THE FUND IS TO MAKE USE OF THE SAVINGS**
7 **FROM THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE JUSTICE**
8 **REINVESTMENT COORDINATING COUNCIL.**

9 **(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE BOARD**
10 **MAY RECOMMEND TO THE EXECUTIVE DIRECTOR THAT GRANTS BE MADE TO**
11 **COUNTIES TO:**

12 **(I) ENSURE THAT THE RIGHTS OF CRIME VICTIMS ARE**
13 **PROTECTED AND ENHANCED;**

14 **(II) PROVIDE FOR PRETRIAL RISK ASSESSMENTS;**

15 **(III) PROVIDE FOR SERVICES TO REDUCE PRETRIAL DETENTION;**

16 **(IV) PROVIDE FOR DIVERSION PROGRAMS, INCLUDING**
17 **MEDIATION AND RESTORATIVE JUSTICE PROGRAMS;**

18 **(V) PROVIDE FOR RECIDIVISM REDUCTION PROGRAMMING;**

19 **(VI) PROVIDE FOR EVIDENCE-BASED PRACTICES AND POLICIES;**

20 **(VII) PROVIDE FOR SPECIALTY COURTS;**

21 **(VIII) PROVIDE FOR REENTRY PROGRAMS; AND**

22 **(IX) PROVIDE FOR ANY OTHER PROGRAM OR SERVICE THAT**
23 **WILL FURTHER THE PURPOSES ESTABLISHED IN PARAGRAPH (1) OF THIS**
24 **SUBSECTION.**

25 **(3) AT LEAST 5% OF THE GRANTS PROVIDED TO A COUNTY UNDER**
26 **THIS SECTION SHALL BE USED TO FUND PROGRAMS AND SERVICES TO ENSURE THAT**
27 **THE RIGHTS OF CRIME VICTIMS ARE PROTECTED AND ENHANCED.**

1 **(4) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND**
2 **PREVENTION SHALL RECEIVE FROM THE FUND EACH FISCAL YEAR THE AMOUNT**
3 **NECESSARY TO OFFSET THE COSTS OF ADMINISTERING THE FUND.**

4 **(C) (1) SUBJECT TO THE AUTHORITY OF THE EXECUTIVE DIRECTOR, THE**
5 **BOARD SHALL ADMINISTER THE FUND.**

6 **(2) THE EXECUTIVE DIRECTOR MAY APPROVE OR DISAPPROVE ANY**
7 **GRANTS FROM THE FUND.**

8 **(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**
9 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

10 **(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,**
11 **AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

12 **(E) THE FUND CONSISTS OF:**

13 **(1) MONEY APPROPRIATED IN THE STATE BUDGET;**

14 **(2) INTEREST EARNED ON MONEY IN THE FUND; AND**

15 **(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR**
16 **THE BENEFIT OF THE FUND.**

17 **(F) THE FUND MAY BE USED ONLY FOR THE PURPOSES ESTABLISHED IN**
18 **SUBSECTION (B) OF THIS SECTION.**

19 **(G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND**
20 **IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

21 **(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO**
22 **THE FUND.**

23 **(H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE**
24 **WITH THE STATE BUDGET.**

25 **(I) MONEY EXPENDED FROM THE FUND FOR PROGRAMS TO REDUCE**
26 **RECIDIVISM AND CONTROL CORRECTIONAL COSTS IS SUPPLEMENTAL TO AND IS**
27 **NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE**
28 **APPROPRIATED FOR THESE PURPOSES.**

1 **9-3210.**

2 **THE BOARD MAY PERFORM ANY ACTS NECESSARY AND APPROPRIATE TO**
3 **CARRY OUT THE POWERS AND DUTIES SET FORTH IN THIS SUBTITLE.**

4 **9-3211.**

5 **(A) IN THIS SECTION, "COMMISSION" MEANS THE LOCAL GOVERNMENT**
6 **JUSTICE REINVESTMENT COMMISSION.**

7 **(B) THERE IS A LOCAL GOVERNMENT JUSTICE REINVESTMENT**
8 **COMMISSION.**

9 **(C) THE COMMISSION SHALL:**

10 **(1) ADVISE THE BOARD ON MATTERS RELATED TO LEGISLATION,**
11 **REGULATIONS, RULES, BUDGETARY CHANGES, AND ALL OTHER ACTIONS NEEDED TO**
12 **IMPLEMENT THE RECOMMENDATIONS OF THE JUSTICE REINVESTMENT**
13 **COORDINATING COUNCIL AS THEY RELATE TO LOCAL GOVERNMENTS;**

14 **(2) MAKE RECOMMENDATIONS TO THE BOARD REGARDING GRANTS**
15 **TO LOCAL GOVERNMENTS FROM THE FUND; AND**

16 **(3) CREATE PERFORMANCE MEASURES TO ASSESS THE**
17 **EFFECTIVENESS OF THE GRANTS.**

18 **(D) (1) THE COMMISSION CONSISTS OF ONE MEMBER FROM EACH**
19 **COUNTY APPOINTED BY THE GOVERNING BODY OF THE COUNTY.**

20 **(2) THE EXECUTIVE DIRECTOR SHALL APPOINT THE CHAIR OF THE**
21 **COMMISSION.**

22 **(E) (1) THE TERM OF A MEMBER OF THE COMMISSION IS 4 YEARS.**

23 **(2) THE TERMS OF THE MEMBERS OF THE COMMISSION ARE**
24 **STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE**
25 **COMMISSION ON OCTOBER 1, 2016.**

26 **(3) AT THE END OF A TERM, A MEMBER:**

27 **(I) IS ELIGIBLE FOR REAPPOINTMENT; AND**

- 1 (4) § 14–107 (“Removed, falsified, or unauthorized identification number or
2 registration card or plate”);
- 3 (5) § 14–110 (“Altered or forged documents and plates”);
- 4 (6) § 15–312 (“Dealers: Prohibited acts – Vehicle sales transactions”);
- 5 (7) § 15–313 (“Dealers: Prohibited acts – Advertising practices”);
- 6 (8) § 15–314 (“Dealers: Prohibited acts – Violation of licensing laws”);
- 7 (9) § 15–411 (“Vehicle salesmen: Prohibited acts”);
- 8 (10) § 16–113(j) (“Violation of alcohol restriction”);
- 9 (11) § 16–301, except § 16–301(a) or (b) (“Unlawful use of license”);
- 10 (12) [§ 16–303(h) (“Licenses suspended under certain provisions of Code”);
- 11 (13) § 16–303(i) (“Licenses suspended under certain provisions of the traffic
12 laws or regulations of another state”);
- 13 (15)] § 20–103 (“Driver to remain at scene – Accidents resulting only in
14 damage to attended vehicle or property”);
- 15 [(16)] (13) § 20–104 (“Duty to give information and render aid”);
- 16 [(17)] (14) § 20–105 (“Duty on striking unattended vehicle or other
17 property”);
- 18 [(18)] (15) § 20–108 (“False reports prohibited”);
- 19 [(19)] (16) § 21–206 (“Interference with traffic control devices or railroad
20 signs and signals”);
- 21 [(20)] (17) As to a pedestrian in a marked crosswalk, § 21–502(a)
22 (“Pedestrians’ right-of-way in crosswalks: In general”), if the violation contributes to an
23 accident;
- 24 [(21)] (18) As to another vehicle stopped at a marked crosswalk, § 21–502(c)
25 (“Passing of vehicle stopped for pedestrian prohibited”), if the violation contributes to an
26 accident;
- 27 [(22)] (19) Except as provided in subsections (f) and (q) of this section, §
28 21–902(b) (“Driving while impaired by alcohol”);

1 [(23)] **(20)** Except as provided in subsections (f) and (q) of this section, §
2 21–902(c) (“Driving while impaired by drugs or drugs and alcohol”);

3 [(24)] **(21)** § 21–902.1 (“Driving within 12 hours after arrest”);

4 [(25)] **(22)** Title 21, Subtitle 10A (“Towing or Removal of Vehicles from
5 Parking Lots”); or

6 [(26)] **(23)** § 27–107(d), (e), (f), or (g) (“Prohibited acts – Ignition interlock
7 systems”).

8 (y) Any person who is convicted of a violation of § 16–101 of this article (“Drivers
9 must be licensed”) is subject to:

10 (1) **FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN \$500;**

11 (2) For a [first] **SECOND** offense, a fine of not more than \$500 or
12 imprisonment for not more than 60 days or both; and

13 (3) For a [second] **THIRD** or subsequent offense, a fine of not more than
14 \$500 or imprisonment for not more than 1 year or both.

15 **(GG) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF § 16–303(H)**
16 **(“LICENSES SUSPENDED UNDER CERTAIN PROVISIONS OF CODE”) OF THIS ARTICLE**
17 **OR § 16–303(I) (“LICENSES SUSPENDED UNDER CERTAIN PROVISIONS OF THE**
18 **TRAFFIC LAWS OR REGULATIONS OF ANOTHER STATE”) OF THIS ARTICLE IS**
19 **SUBJECT TO:**

20 (1) **FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN \$500; AND**

21 (2) **FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE OF NOT MORE**
22 **THAN \$500 OR IMPRISONMENT OF NOT MORE THAN 60 DAYS OR BOTH.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That the Governor’s Office of Crime
24 Control and Prevention shall, in coordination with the Department of Public Safety and
25 Correctional Services, the Department of Health and Mental Hygiene, the Judiciary, public
26 health and treatment professionals, and local corrections authorities, conduct an analysis
27 to determine the gap between offender treatment needs and available treatment services
28 in the State, including a feasibility study of local jail and service provider capacity for
29 substance use and mental health disorder and related treatment, and shall report the
30 results of the analysis with recommendations to the General Assembly, in accordance with
31 § 2–1246 of the State Government Article, on or before December 31, 2016.

32 SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General
33 Assembly that the Governor provide funding annually in the budget bill for:

1 (1) the Department of Health and Mental Hygiene to expand the use of
2 drug treatment under § 8–507 of the Health – General Article, as enacted by Section 1 of
3 this Act;

4 (2) the Division of Correction to expand treatment and programming
5 within correctional institutions for substance abuse treatment, mental health treatment,
6 cognitive–behavioral programming, and other evidence–based interventions for offenders;
7 and

8 (3) the Division of Parole and Probation to expand treatment and
9 programming in the community to include day reporting centers, mental health treatment,
10 cognitive–behavioral programming, and other evidence–based interventions for offenders.

11 SECTION 4. AND BE IT FURTHER ENACTED, That, on or before January 1, 2017,
12 the Maryland Mediation and Conflict Resolution Office shall study and identify best
13 practices for criminal referrals to mediation, based on experiences across the State and
14 research, and submit a report of its findings and recommendations to the Justice
15 Reinvestment Coordinating Council, the Governor, and, in accordance with § 2–1246 of the
16 State Government Article, the General Assembly.

17 SECTION 5. AND BE IT FURTHER ENACTED, That, on or before January 1, 2017,
18 the State Commission on Criminal Sentencing Policy shall study how more alternatives to
19 incarceration may be included in the sentencing guidelines and shall submit a report of the
20 findings and recommendations to the Justice Reinvestment Coordinating Council, the
21 Governor, and, in accordance with § 2–1246 of the State Government Article, the General
22 Assembly.

23 SECTION 6. AND BE IT FURTHER ENACTED, That the terms of the initial
24 appointed members of the Justice Reinvestment Oversight Board shall expire as follows:

25 (1) two members in 2017;

26 (2) two members in 2018;

27 (3) two members in 2019; and

28 (4) two members in 2020.

29 SECTION 7. AND BE IT FURTHER ENACTED, That the terms of the initial
30 members of the Local Government Justice Reinvestment Commission shall expire as
31 follows:

32 (1) six members in 2017;

33 (2) six members in 2018;

1 (3) six members in 2019; and

2 (4) six members in 2020.

3 SECTION 8. AND BE IT FURTHER ENACTED, That the Governor's Office of Crime
4 Control and Prevention shall:

5 (1) study the restitution process in the State and make recommendations
6 concerning the restitution process, including:

7 (i) recommending a process and State unit for collecting data and
8 developing evidence-based practices for restitution collection; and

9 (ii) recommending methods for developing additional enforcement
10 and data collection technology infrastructure;

11 (2) determine which State unit should assume the duties currently
12 undertaken by the Division of Parole and Probation regarding collection of restitution;

13 (3) determine whether the Criminal Injuries Compensation Board and any
14 other victim services programs should be transferred to another entity, including
15 considering whether a transfer would:

16 (i) minimize fragmentation of functions that the State government
17 performs on behalf of victims of crime and delinquent acts; and

18 (ii) improve the coordination, efficiency, and effectiveness of State
19 assistance to victims of crime and delinquent acts;

20 (4) consider any other ways to improve the collection of restitution; and

21 (5) report to the Governor and, in accordance with § 2-1246 of the State
22 Government Article, the General Assembly by December 1, 2016, on its findings and
23 recommendations.

24 SECTION 9. AND BE IT FURTHER ENACTED, That unless the Governor
25 determines that transferring the collection of restitution from the Division of Parole and
26 Probation to another State unit will not improve the collection of restitution, the Governor
27 shall order the new State unit to assume the responsibility of collecting restitution by
28 issuing an executive order to reorganize State government under Article II, Section 24 of
29 the Maryland Constitution for the 2017 regular session of the General Assembly. The
30 Governor shall include a provision in the executive order providing that the transfer may
31 not be effective until 30 days after the Governor's Office of Crime Control and Prevention
32 notifies in writing the Governor, the President of the Senate, and the Speaker of the House
33 that the new State unit is able to assume the collection roles and responsibilities.

1 SECTION 10. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2016.